



Alan C. Lloyd, Ph.D.  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

1011 North Grandview Avenue  
Glendale, California 91201



Arnold Schwarzenegger  
Governor

February 9, 2005

### RESPONSIVENESS SUMMARY

**Project Title:** Whittaker-Bermite Facility, Operable Unit 1

**Project Location:** 22116 West Soledad Canyon Road, Santa Clarita, California

**Contact Person:** Jose Diaz (818) 551-2171

In compliance with Health and Safety Code section 25356.1(e) (1) and California Environmental Quality Act (CEQA), a public comment period was held from May 10<sup>th</sup> to June 11<sup>th</sup>, 2004. The purpose of the comment period was to provide the public with an opportunity to review and comment on the activities described in the draft Operable Unit 1 Remedial Action Plan (draft OU1 RAP) and Negative Declaration proposed by the Department of Toxic Substances Control (DTSC) for the subject property. A public meeting was held on May 19<sup>th</sup>, 2004.

In response to the community's request for more detailed information on the draft OU1 RAP, DTSC held a second public comment period and public meeting to give the community the opportunity to further review the draft OU1 RAP and the draft OU1 Remedial Design. In addition, the proposed Negative Declaration was changed to a Mitigated Negative Declaration. The second public comment was held from October 4<sup>th</sup> to November 17<sup>th</sup>, 2004, and a public meeting was held on October 28, 2004.

Written and verbal comments were received on the CEQA draft Negative Declaration, Draft Mitigated Negative Declaration and the draft RAP and draft Remedial Design, during their respective comment periods and public meetings. Transcripts from the public meetings and DTSC responses to written comments are included in Appendix B of this final OU1 RAP.

**List of Revisions:** DTSC has fully reviewed and evaluated the comments received. DTSC revised the following portions of the RAP:

- 1) The Risk-Based Cleanup Goals for halogenated volatile organic (VOC) compounds were revised. The VOC soil gas concentrations were re-calculated using the most current DTSC-modified Johnson and Ettinger Model for Indoor Vapor Intrusion.
- 2) The document was revised to indicate that the transportation method for off-site soil disposal will be by trucks. Reference to construction of a rail spur and transportation by rail cars has been removed.
- 3) The list of sensitive receptors was revised to include receptors that were not included in the draft document.

**COMMENTS ON THE DRAFT OUI REMEDIAL ACTION PLAN  
MAY 10<sup>TH</sup> TO JUNE 11<sup>TH</sup>, 2004 PUBLIC COMMENT PERIOD AND  
MAY 19, 2004 PUBLIC MEETING**

Comment from Lois Mills, 19962 Avenue of the Oaks, Newhall, CA 91321

**Comment 1:** “You should clean all the soil and ground water at once. Once it is completely free of VOC’s, then the land can be used only for factories or stores, not homes. We have a horrible problem with traffic and cannot afford more cars on Soledad let alone the 5 and 14.”

Response:

*The mission of the Department of Toxic Substances Control (DTSC) is to protect human health and the environment. DTSC will ensure that the soil and groundwater at the site are adequately investigated and remediated in a timely manner. DTSC however does not have jurisdiction to designate types of land uses once the cleanup of the site is completed. The City of Santa Clarita will address these concerns in the normal course of reviewing development plans and issuing permits.*

Comment from Mary Brett Whitney, 21875 Parvin Drive, Santa Clarita, CA 91350

**Comment 2:** “My comments amount to concurring with and underscoring those made at that meeting by attorney Carl Kanowsky, our neighbor. It is imperative to us that DTSC perform an Environmental Impact Report prior to further action. The three sections constituting Circle J Ranch are immediately proximate to the Whittaker-Bermite Facility and stand to be most directly affected by actions taken regarding it. Please list Circle J Ranch Estates with those strongly requesting an Environmental Impact Report. Thank You.”

Response

*DTSC prepared an Initial Study for the Operable Unit 1 (OUI) Draft Remedial Action Plan (RAP) as required by the California Environmental Quality Act (CEQA) and determined that any potential impacts associated with implementing the proposed soil remediation work for OUI can and will be readily mitigated. The proposed mitigation measures are described in the Draft Mitigated Negative Declaration and draft OUI Remedial Design. On this basis, the impact of this project is clearly not of the magnitude that requires preparation of an Environmental Impact Report (EIR) under CEQA. In summary, the project is not expected to create any adverse ecological or human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently pose unacceptable risks to human and/or ecological receptors. In addition, on November 5, 2004 DTSC staff attended the Circle J Estates Homeowners Association meeting to answer any questions they may have on the proposed remediation. DTSC staff informed them of the perimeter monitoring measures that will be conducted on a routine basis during the implementation of the remediating activities.*

Comment from Suzanne Ulloa ,20341 Rue Crevier #504, Canyon Country, CA 91406

**Comment 3:** “What is the status and investigation of possible groundwater contamination?”

**Response:**

*The investigation to determine the extent of groundwater contamination is approximately 90 % complete. The investigation is proceeding on two fronts: the extent of off-site impacts to the west of the Site have been under investigation since 2002 by the US Army Corps of Engineers working under an agreement with several local water purveyors; the extent of on site impacts to the north and within the Site boundaries have been under investigation by Whittaker’s contractors. Both investigations are still in progress and are expected to be completed by the end of 2005.*

Comment from Channing Licon, 26512 Sheldon Ave, Santa Clarita, CA 91351

**Comment 4:** “Who is paying for the cleanup?”

**Response:**

*Whittaker Corp, the former property owner, is currently paying for investigation and cleanup. The costs of US Army Corps of Engineers off-site groundwater investigation work is currently funded 50% by Whittaker and 50% by the Federal government.*

Comment from David Travis, 19877 Emmett Road, Santa Clarita, CA 91351

**Comment 5:** “I fail to understand why the taxpayers of the Santa Clarita Valley must pay for the cleanup? Please explain.”

**Response:**

*In addition to the response to Comment 4, DTSC has been pursuing parties liable for the contamination in order to recover all costs of responding to the release of hazardous, or threat of release, of hazardous substances at the site, and will continue to do so.*

Comment from Donna Patterson, 21607 Parvin Drive, Saugus, CA 91350

**Comment 6:** “Very concerned about my property values as my home is on Parvin Dr. and my backyard faces the Bermite property. Concerned about thyroid problems, regarding our water supply and the high count of perchlorates.”

**Response:**

*The Department of Health Services (DHS) requires all California municipal and private water supplies to be regularly tested for perchlorate and other regulated chemical compounds of concern. The Castaic Lake Water Agency (CLWA) which provides water for your area posts the test results on their web site. The CLWA tests indicate that the Santa Clarita water supply is free of perchlorate contamination. The*

*CLWA wells that are used in part to supply municipal water for their customers are located outside the plume of perchlorate-impacted groundwater underlying and extending off the Bermite property.*

Comment from Craig Harrington, 29105 Marilyn Drive, Canyon Country, CA 91387

**Comment 7:** “How are current conditions affecting the groundwater? When will the investigations of the extent of the contaminant plume be concluded and the information be made public? Whatever method is most effective depending on the soil type and type of contaminant, should be used. Alternative #3 would be ideal by exporting the contaminated soil to a Hazmat landfill in Bakersfield and importing if necessary clean fill soil. What limitations does SCAQMD put on this type of removal and disposal? I would like a clear explanation on the SCAQMD restrictions please.”

Response:

*In mid-1997, perchlorate was initially detected in four off-site drinking water wells and in April 1998, additional sampling of these wells confirmed the presence of the contaminant at concentrations ranging from 9.6 parts per billion (ppb) to 45 ppb. The CLWA has since discontinued operating those wells. As the first step in the cleanup process, investigations are underway to delineate the vertical and lateral extent of the area where the water table is contaminated with perchlorate and/or volatile organic compounds (VOCs). CLWA and Whittaker’s Consultants are working closely to investigate the extent of contamination, and the groundwater investigation work is approximately 90% complete at this point. A Remedial Investigation report for groundwater is expected to be completed in the near future.*

*The draft OUI RAP proposes a range of soil remediation strategies depending on soil types and the type and degree of contamination. In general, on-site treatment and reuse of contaminated soil, where feasible, is considered preferable to off-site disposal from the standpoint of environmental impacts. As shown in the OUI Feasibility Study (FS), on-Site treatment/recycling is viable for most anticipated conditions, and therefore off-Site disposal is proposed as a fall-back option for soils that cannot be treated onsite. For the off-site soil disposal alternative, transportation will occur by truck at a maximum rate of ten loads per day pursuant to a transportation plan prepared in accordance with CALEPA May 1994 guidelines. The transportation plan will include emergency and spill response procedures.*

Comment from Clem Moses 22235 Rolling Ridge Drive, Saugus, CA 91350

**Comment 8:** “We are very concerned about the water we drink and the soil contamination. We live in the area and have our grandchildren nearby. This is a great worry for us.”

Response:

*DHS requires all California municipal and private water supplies to be regularly tested for perchlorate and other regulated chemicals of concern. The Castaic Lake Water Agency which provides water for your area posts the test results on their web site. The CLWA tests indicate that the Santa Clarita water supply is free of perchlorate contamination and all other regulated contaminants. The CLWA wells that are used in part to supply municipal water for their customers are located outside the plume of perchlorate-impacted groundwater underlying and extending off the Bermite property.*

Comment from C. F. Raysbrook, Department of Fish and Game, 4949 Viewridge Avenue, San Diego, CA 92123

**Comment 9:**

The following statements and comments have been prepared pursuant to the Department authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Section 15386) and pursuant to our authority as a Responsible Agency under CEQA 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act ( Fish and Game Code Section 2050 et seq.) and Fish and Game Code Section 1600 et seq.:

- 1) Special Status Species – The IS states that several sensitive species could utilize the site, including burrowing owl (BUOW), coast horned lizard, and California legless lizard, which are considered California Species of Special Concern:
  - a) Within suitable habitat the Department recommends measures to avoid adverse impacts to sensitive ground dwelling species which may be injured or killed from earth moving, vehicles and other related activities. Such avoidance/mitigation measures should include:
    - i. Relocate coast horned lizards and other sensitive reptiles that are found within the project boundaries to adjacent suitable off-site habitat that will not be impacted by the project;
    - ii. Avoiding soil disturbances within areas not included in the project target area;
    - iii. Accessing project sites via existing roads;
    - iv. Avoid leaving open trenches or holes where wildlife may fall into and perish;
    - v. Employing a biological monitor to survey areas of soil disturbance to salvage wildlife of low mobility just prior to project initiation;
    - vi. Pre-project surveys for coast horned lizards should also be done on any dirt access roads to be used for the project as these areas often provide foraging and basking habitat for these lizards;
    - vii. The Department recommends BUOW surveys be conducted following recommended burrowing owl

habitat assessment and survey protocol. The surveys should be conducted during the current breeding season, or not more than 12 months prior to the proposed project initiation, to determine status of BUOW on and adjacent to the proposed project site. The protocol and recommended mitigation measures may be found by typing “burrowing owl consortium” as a web search on the internet.

2. Native Nesting Birds – Based upon the IS, the proposed project will remove/disturb vegetation and ground surfaces and therefore has the potential directly impact nesting native birds species.

- a. All migratory nongame native bird species are protective by the international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA)
- b. Proposed project activities (including disturbances to native and non-native vegetation, ground surfaces and man-made nesting substrate) should take place outside of the breeding bird season which generally runs from March 1-August 31 (as early as February 1 for raptors) to avoid taking (including disturbances which could cause abandonment for active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
- c. If the project activities cannot feasibly avoid the breeding bird season, the Department recommends that beginning thirty days prior to the disturbance of suitable nesting habitat the project proponent should arrange for weekly bird surveys to detect any protected native birds in the habitat to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors). The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than three days prior to initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbances within 300 feet of the nest (within 500 feet for raptor habitat) until August 31 or continue the surveys in order to locate nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nest) shall be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and federal laws pertaining to the protection of native birds.

In conclusion the Department has determined that the project does not meet the criteria for de minimus under 711.2 of the Fish and Game code. Impacts to the proposed project site may directly and/or indirectly adversely impact wildlife resources. The Department recommends that the above concerns are addressed in a mitigated negative declaration prior to lead agency approval of the proposed project.”

Response:

*DTSC will ensure that all applicable requirements of the Fish & Game Code are addressed. The draft Negative Declaration has been changed to a draft Mitigated Negative Declaration. Mitigation measures include conducting surveys prior to any grading or excavation associated with the project to determine the presence of any species of concern; relocating of those species of concern; avoiding soil disturbance in areas not needed or associated with project; accessing the project site via existing roads and avoiding leaving open trenches or trenches where wildlife may fall into and not be able to exit. A qualified biologist will be onsite to conduct and document surveys and to ensure that every precaution is taken to avoid any impacts to wildlife resources. The draft Mitigated Negative Declaration and draft OUI Remedial Design were made available for public and agency review from October 4, 2004 to November 4, 2004.*

Comment from Lynne A. Plambeck, Newhall County Water District, P.O. Box 220970, Santa Clarita, CA 91322-0970

**Comment 10:**

Newhall County Water District is concerned about the potential for continued migration of perchlorate from soil into the groundwater.

Section 4.4 of the RAP defines criteria for soil cleanup and lists the following perchlorate goals:

- 500 ug/kg for the top ten feet of soils in all impacted areas of OU1
- 500 ug/kg for depths to “practical limit of excavation’ in Areas 7, 55 and 26
- 40 ug/kg (detection limit) for the top 15 feet of soil in drainage bottoms in OU1B,C and Dn

Page 4-4 of the RAP mentions the ”exceptionality high mobility of perchlorate in the subsurface environment.” The NCWD is also concerned about the issue as it will directly affect our water supply.

It is our understanding that RWQCB often assesses the risks to groundwater from contaminants in soil, such as with leaking underground storage tank projects. We would like similar analysis for this project, and request whether modeling or other calculations and a certification from RWQCB that the cleanup levels for soil that are stated in Section 4.4 of the RAP will be adequate to protect the groundwater from further contamination due to migration of perchlorate from soil to groundwater. If RWQCB finds that cleanup from OU1 work will not be adequate to protect the groundwater, we would like an explanation of what further work will be need to be done and when it is expected to take

place. For example, RWQCB may suggest deeper excavation than what is proposed in the RAP, or they may suggest an impermeable cap be placed over drainage areas to prevent infiltration into areas not cleaned to non-detect. Based on RWQCB's recommendations, we would like to know the expected timeline to secure complete protection of groundwater.

We ask that the above be added as a mitigating condition in the recently proposed mitigated negative declaration for this project.

Response:

*The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OUI soil remediation work is restricted to shallow soils that can be removed by excavation. The risk-based cleanup goals and global remedial strategies set forth in the Site-wide documents will extend to the deeper soils and groundwater within OUI. The Site-wide Remedial Investigation Report, Baseline Risk Assessment, Feasibility Study and Site-wide RAP documents are currently under preparation and will include risk-based cleanup goals for soil that are protective of groundwater and surface water quality. The Regional Board has been and will continue to be involved in all phases of the development of the soil and groundwater cleanup plans.*

Comment from Michael Otavka, William S. Hart Union High School District, 21515 Centre Pointe Parkway, Santa Clarita, CA 91350

**Comment 11:**

The District is concerned about the safety of the students, staff and visitors to the school during any construction and cleanup process on the Porta Bella site.

The District requests that any cleanup plan or operation on the Porta Bella site consider the safety of the students, staff, and visitors to the school including those traveling along Golden Valley Road to and from the school. While the public review period has expired, the District requests a copy of the project's mitigated negative declaration for review.

Response:

*Your name was added to the DTSC mailing list to ensure that you are notified of any future activities at the site. As indicated to you during our November 5, 2004, face-to-face meeting, the Draft Mitigated Negative Declaration and OUI draft RAP and Remedial Design were available for review at information repositories during the second public comment period. The draft OUI RD document includes extensive discussion of the measures that will be incorporated under DTSC and SCAQMD oversight. SCAQMD has enacted and enforces regulations specifically intended to address the concerns you have stated. These rules and the methods proposed to comply with them are discussed in Sections 2.8 and 4 of the draft OUI RD. Fence line perimeter monitoring will be conducted during the remediation of OUI and work will be suspended if any emissions above regulatory levels are exceeded.*



Comment from Elizabeth Erickson Regional Water Quality Control Board-Los Angeles Region, 320 W. 4<sup>th</sup> Street, Suite 200, Los Angeles, CA 90013

**Comment 12:**

Our review of your documentation shows that it does not include information on how this project will change the loading of these pollutants into the watershed. Please provide the following additional information for both the construction and operational phases of the project.

- For each constituent listed above, please provide an estimate of the concentration (ppb) and load (lbs/day) from non point and point source discharges.
- Estimates of the amount of additional runoff generated by the project during wet and dry seasons.
- Estimates of the amount of increased or decreased percolation due to project.

Estimates of the net charge in cubic feet per second of groundwater and surface water contributions under historic drought conditions (as compiled by local water purveyors, the Department of Water Resources, and others), and a 10-year, 50-year, and 100-year flood conditions.”

**Response:**

*One of the objectives of the project is to decrease pollutant loadings on the watershed. In general, all work will be conducted in accordance with requirements set forth in LARWQCB Order No. 99-08-DWQ “General Permit for Storm Water Discharges Associated with Construction Activity” and the associated Storm Water Pollution Prevention Plan that has been developed for the Site including recent amendments. The proposed excavation activities set forth in the draft OUI RAP and draft RD documents will be restricted to the dry season to mitigate any concerns with additional runoff. In addition, the RD documents include plans to construct bermed pads for the soil treatment processing areas. The project may contribute additional percolation and runoff in connection with measures that are devised and implemented to satisfy SCAQMD requirements for the control of dust and VOC emission during earth moving work. DTSC is requiring Whittaker to copy the LARWQCB on all plans submitted to SCAQMD relating to these controls, and to provide appropriate estimates of percolation and runoff in conjunction with the submittals. DTSC will work closely with Whittaker and its consultants to ensure compliance with LARWQCB requirements.*

Comment from Carl J Kanowsky, 24510 Town Center Drive, Suite 200, Valencia, CA 91355-1339

**Comment 13:**

This office has represented and continues to represent businesses and homeowners around the Whittaker-Bermite site. We have briefly reviewed the draft RAP for the

cleanup of OU1. We are very concerned that this project is going forward under a Negative Declaration, as opposed to an Environmental Impact Report (EIR).

An EIR is necessary for this project because of the significant environmental impacts the project will impose. Removal of 175,000 cubic yards of soil, even without more, by its very nature creates significant environmental impacts. For instance, the fumes from the equipment moving the dirt will pollute the air. The dust and debris that will be kicked up as a result of the removal will similarly impact air quality. To move that much dirt requires a large number of vehicles, which will impact local traffic patterns over an extended period of time. This will also significantly increase the amount of noise pollution from all these vehicles. The Whittaker-Bermite site the largest remaining open space parcel in the Santa Clarita Valley. It contains wildlife corridors, flood plains, and flood runoff patterns that impact surrounding neighborhoods, a large number of oak trees, and significant ridge lines that dominate the area. The impact of moving this much dirt with this much equipment over this extended period of time must be studied, alternatives considered, and the public given an opportunity to review and comment. Beyond simply moving the dirt, various toxic chemicals now in the soil will be released to the air. OU1 borders the Circle J neighborhood. What is the impact on those homeowners if prevailing winds change and the chemicals are blown into their backyards? Where is the discussion about all the other impacts this project will have on bordering development? How will the project affect local water quality, both in terms of water runoff and drinking water? The Saugus Aquifer risks being impacted by this. Another issue is that of unexploded ordnance. This issue, along with the other ones, should be considered in an EIR, but is being glossed over by a Negative Declaration.

Without going more into detail, it appears that this project will potentially severely impact homes and businesses surrounding Whittaker-Bermite. The impact could reach beyond just the local area and affect traffic patterns, natural resources, water quality, and scenic quality with the destruction or change to local ridge lines. An EIR is necessary to adequately address these issues and to consider viable alternatives.”

Response:

*The OU1 draft RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors in compliance with the National Contingency Plan. The primary purpose of the draft OU1 RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OU1 soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soils and groundwater will be set forth in a series of Site-wide documents that are currently in preparation. DTSC prepared an Initial Study for the draft OU1 RAP as required by CEQA and determined that any potential impacts associated with implementing the proposed soil remediation work for OU1 can and will be readily mitigated. The proposed mitigation measures are described in the Mitigated Negative Declaration and draft OU1 RD. On this basis, the impact of this project is clearly not of the magnitude that requires preparation of an EIR under CEQA. In summary, the project is not expected to create any adverse ecological or*

*human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently at the site may pose unacceptable risks to human and/or ecological receptors. (Please see responses to Comment 11 for discussion of air emissions, Comment 9 for discussion of wildlife, Comments 7, 10 & 12 for discussion of water run-off and water quality impacts).*

*Comment from Connie Worden-Roberts, Chairman, Citizens Advisory Group*

**Comment 14:**

Thank you for sending me the comments on the Whittaker-Bermite Site Public Comment Period Extension on the Draft Remedial Action Plan for Operable Unit 1.

On behalf of the Citizen Advisory Committee, I believe it is excellent. The change to a Mitigated Negative Declaration from the Negative Declaration is important, as is the extension of the comment period. Some members of the CAG may wish to add commentary, although most of us believe that sufficient proposed mitigations will be included in the Remedial Design Materials.

I greatly appreciate your commitment to working with Whittaker, the U.S. Army Corps of Engineers and the Castaic Lake Water Agency and others who are involved in investigation and remediation efforts on the property.

It will, as you have acknowledged, remain important to keep the community fully informed as clean-up proceeds. I look forward to working with you and the other committed representatives at DTSC.”

**Response:**

*DTSC acknowledges and appreciates your support.*

*Comment from Gordon LaBedz, M.D., Sierra Club - Los Angeles Chapter, 3455 Wilshire Blvd. Suite # 320, Los Angeles, CA 90010*

**Comment 15:** “The Sierra Club would like to express its concern that a more in depth review of potential impacts with accompanying required mitigation conditions is not being conducted. These impacts were either not identified in your initial study or identified incorrectly as being less than significant.”

**Comment 15a:**

Our concern lies in the fact that Santa Clarita suffers some of the worst air quality in the nation and that the substantial amount of grading required by this clean-up will add to that problem. We want to know how the project will control dust, whether toxic substances will be released into the air, whether these releases are near sensitive receptors (such as schools) that should be notified and what mitigation measures are proposed to address and reduce these impacts.

Response:

*As a result of similar comments received during the May 10th, 2004 to June 11th, 2004 public comment period for the draft OUI RAP and Negative Declaration, DTSC held a second public comment period to give the community the opportunity to review the draft OUI RD, a revised CEQA Initial Study and a draft Mitigated Negative Declaration. The above documents include details of air monitoring measures to be implemented for dust and volatile organic compounds (toxics) emissions control in compliance with SCAQMD requirements as well as other proposed mitigation measures to address and eliminate any impact to the identified sensitive receptors.*

**Comment 15b:**

We request that impacts to species and habitat be reviewed. It is our understanding from many previous EIRs conducted on projects in the area, including the Porta Bella EIR that sensitive species may be affected by this project. Will oak trees be impacted? How will the DTSC and the property owner address and mitigate for these issues?

Response:

*Please see response to Comment 9 for information on protection of sensitive species and their habitat. There are no oak trees in the targeted work areas.*

**Comment 15c:**

How thoroughly will the proposed soil removals address the issue of contaminants leaching into the ground water? It seems unreasonable and wasteful to not address this question now. This could result in a potentially finding that additional soil must be removed for remediation in the future because water polluting contaminants such as ammonium perchlorate and TCE were not removed to a level that would eliminate the threat of continued pollution to the ground water. The Sierra Club requests that this evaluation be conducted now so that the possibility of additional soil removal in the future will be decreased.

Response:

*Please see responses to Comments 10 and 13.*

**Comment 15d:**

p. 9 of 41 Section 3a discusses the handling of 174,000 cubic yards of contaminated soils. This number appears to represent the loose cubic yards of perchlorate contaminated soils. However, an additional 21,710 loose CY of VOC contaminated soil and 424,970 loose cubic yards of over-excavation are also expected. Air quality impact analysis should reflect the total amount of earth movement as shown in Table 5 of the RAP.

Response:

*The air-quality impact analysis is included in the Draft OUI RD and it address the total amount of earth movement shown in Table 5 of the draft OUI RAP.*

**Comment 15e:**

p. 10 of 41 Section 3b air quality states that “A preliminary air analysis concluded that constructional and operational activities associated with the site would be well below the air quality significance thresholds” yet the analysis is not provided in the initial study.

This page also mistakenly states that SCAQMD Rules 403 and 1166 require continuous emissions monitoring during excavation. Neither rule requires continuous emission monitoring and if it is expected to be done, it should be listed as mandatory mitigation.

**Response:**

*The air-quality impact analysis is included in the OUI Remedial Design. For all practical purposes, SCAQMD Rules 403 and 1166 require continuous emissions monitoring during excavation and grading. The wording in the draft OUI RD has been modified to appropriately qualify the statement regarding continuous monitoring.*

**Comment 15f:**

p. 11 of 41 Section 33d discusses sensitive receptors but does not address the Santa Clarita Aquatic Center and Athletic Complex located near the project site. The section does list numerous receptors within a 2-mile radius, and several within a ½ mile radius, but does not provide any support for the conclusion that “less than significant impacts would occur.”

**Response:**

*The determination of less than significant impacts is based on the ground that the proponent will comply with applicable SCAQMD requirements including New Source Review, Rule 403 and 1166. DTSC will actively monitor the implementation of environmental controls. The Santa Clarita Aquatic Center and Athletic Complex have been added to the list of receptors.*

**Comment 15g:**

p. 14 of 41 Section 4d discusses wildlife corridors and states that “in the event that the project site is used as a wildlife corridor it is anticipated that the proposed project would have a less than significant impact because the construction and operation of the project would be temporary and located within designated areas of the OU1 site.” The Initial Study seems to make no effort to determine if there are wildlife corridors on the property or not, and it does not present any factual basis as to why any impacts would be less than significant.

**Response:**

*Please see response to Comment 9.*

**Comment 15h:**

p. 15 of 41 Section 4f erroneously states that the project site is not located within or near a designated Sensitive Ecological Area. The Santa Clara River is adjacent to the project site and is a proposed SEA as listed by Los Angeles County Planning on their website for the current county General Plan revision (“Shaping 2025”)

Response:

*. The language of the Draft OUI RAP has been revised to indicate that the Santa Clara River is currently a proposed Sensitive Environmental Area as listed by Los Angeles County Planning.*

**Comment 15i:**

p. 18 of 41 Section 6c incorrectly states that the project is not located in an area that is considered to have unstable soil or related hazards. According to internet maps available at [http://gmw.consrv.ca.gov/shmp/download/evalrpt/newh\\_eval.pdf](http://gmw.consrv.ca.gov/shmp/download/evalrpt/newh_eval.pdf), the project is historically subject to earthquake induced landslides.

Response:

*The language in the draft OUI RAP has been revised to indicate that portions of OUI are located along known earthquake faults and in areas subject to landslides.*

**Comment 15j:**

p. 30 of 41 Section 12a incorrectly states that the project would not induce population growth in the area. By cleaning up the soils, development of the project area would be facilitated.

Response:

*Please see response to Comment 1.*

**Comment 15k:**

RAP Section 4.1 Human Health Risks does not include risks due to dust and particulate generation occurring during the project.

Response:

*Section 4.1 of the draft OUI RAP summarizes the results of a “baseline” risk assessment, not the risks associated with implementing the draft OUI RAP. In addition to the existing health and safety plans, the proposed mitigation measures which are included in the RD document and draft Mitigated Negative Declaration will address any potential risks associated with implementation of the RAP.*

**Comment 15l:**

RAP Section 4.4 Criteria 2 and 3 mention cleanup levels designed to reduce threats to groundwater, yet there are no modeling studies or other supporting data to show that proposed cleanup levels are adequate. It is suggested that this section be reviewed and signed off on by RWQCB.

Response:

*Please see responses to Comments 10, 12 & 13.*

**Comment 15m:**

The RAP suggests an alternative that is not clearly defined and is a flexible combination of many other alternatives. The amount of excavation, wastewater generation, air emissions, etc. cannot be defined. The size of the treatment plant needed has not been defined. The length of time of the cleanup operation has not been defined. Is not practical to make a determination that there will be no significant environmental impacts when the project has not been adequately defined.

**Response:**

*The project is not expected to create any adverse ecological or human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently pose unacceptable risks to human and/or ecological receptors. In general, DTSC's determination that remediating contaminated soil over an 18-month period will not pose unacceptable risks to human and ecological receptors is based on the ground that the proponent in conducting the remediation work will comply with applicable state and local laws covering air and water pollution, noise pollution, worker protection and land-use management.*

**Comment 15n:**

We believe that this CEQA review should be coordinated and receive input from the Los Angeles Regional Water Quality Control Board.

**Response:**

*Please see responses to Comments 10 and 12.*

Comments from Carmillis Noltemeyer, 25936 Sardinia Court, Valencia, CA 91355

**Comment 16:** "At the public meeting, Wednesday, May 19, 2004 the community requested the DTSC to conduct a complete EIR. While Sayareh Amir Chief of the Southern California Cleanup Operations Branch of DTSC is quoted as saying "we never done an EIR" in fact the DTSC did an EIR for the Santa Susan/Boeing cleanup in 2000. The DTSC is doing an EIR for the Tourtelot Cleanup Benecia, CA"

**Response:**

*Ms. Amir's comment was regarding the cleanup projects within the Cleanup Operations at the Glendale Office. DSTC is required to comply with CEQA requirements and one of those requirements may be preparation of an EIR for a site cleanup when it has determined that significant environmental impacts are unavoidable. However, this project will not have a significant impact on the environment; in fact, it will remediate areas where contaminated soils currently pose unacceptable risks.*

**Comment 16a:**

The current negative declaration is for soil only on Operable Unit 1. This phasing of the environmental review is apparently being done to make it appear that the health risks are less than significant. The DTSC wants us to believe that the hauling and clean up of

174,000 cubic yards of contaminated soil will not have a significant effect on the environment or pose a health risk to the surrounding area. Mitigation Measure: NONE

*Response:*

*The primary purpose of the draft OU1 RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OU1 soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation. There is no intent by DTSC in submitting the draft OU1 RAP for public review at this juncture to avoid responsibility for considering environmental impacts as a whole. As indicated above, the intent is to ensure the remediation of known source areas that pose identified risks to ecological and human receptors is commenced on a timely basis consistent with the NCP. The size and complexity of the Site dictated the need to divide it into operable units for remedial investigation purposes. Site-wide documents identifying site-wide clean up goals presenting and explaining global remediation strategies are already in preparation and will be submitted for public review as soon as possible. Excavation and on-site treatment of contaminated soils will occur in phases over an 18-month period. Not all of the 174,000 cubic yards will be excavated and treated at one time. In addition, all the work will be conducted in compliance with applicable SCAQMD rules and regulations including New Source Review, Rule 1166 and Rule 403 and will not pose an unacceptable risk to the human health or the environment. The draft Negative Declaration has been changed to a draft Mitigated Negative Declaration.*

**Comment 16b:**

The initial study, which supports your findings of significant effect on the environment is inadequate to protect the health, safety, and welfare of sensitive receptors in the surrounding area

3. Air Quality d. – Expose sensitive receptors to substantial pollutant concentrations.

You fail to list Golden Valley High School, opening August 2004, which is built on a hilltop next to Golden Valley Road on the east side of the proposed project. You have failed to disclose that the Golden Valley Road was built on OU1 site. You failed to list the Santa Clarita Sports Complex, Santa Clarita Aquatic Center, and the Santa Clarita Skate Park. All are located on the east side of the Golden Valley Road and OU1.

You failed to list: Child & Family Enter, Kids Corner Preschool, Circle of Care, Congregation Beth Shalom-Early Childhood Education Center, and Notre Dame Infant Center & Preschool. All of these sites are actually closer to the OU1 site because of the Golden Valley Road being built on the OU1 site and the change in the topography from the construction of the road.

Golden Valley Road provides direct access to OU1. Golden Valley Road will have a bike trail but no sidewalks. Students from the Golden Valley High School will be using the bike trail to walk from the high school to the Santa Clarita Sports Complex. Because the



Golden Valley Road was built on OU1, sensitive receptors will actually be directly next to the OU1 site.

DTSC approved the Golden Valley High School site with out a health risk assessment or an air quality assessment. An air quality assessment done after the DTSC approval detected perchlorate. This proves that the perchlorate can migrate via the air depositional transport pathway.

Response:

*The draft OUI RAP was revised to include all the sensitive receptors listed above. Construction of Golden Valley Road along the eastern portion of OU1 did not change the distance between OU1 and the listed sensitive receptors. DTSC's determination that hauling and cleaning contaminated soil in phases over an 18-month period will not pose unacceptable risks to these receptors because the proponent will comply with applicable SCAQMD rules and regulations including New Source Review, Rule 1166 and Rule 403. These rules include stringent monitoring requirements that require that construction work be suspended if wind speeds exceed 25 miles per hour.*

*One of the objectives of the draft OUI RAP is to remediate those areas subject to erosion along the eastern border of the Site where perchlorate has been detected in near surface soils. While perchlorate has toxicological properties that create concerns in water supplies, it is not considered a contaminant of concern with respect to air quality. Because perchlorate is highly soluble in water, dust suppression measures will prevent airborne migration during soil disturbing activities. DTSC will actively monitor the implementation of all environmental controls and work area and perimeter air monitoring measures as described in the draft OUI RD.*

**Comment 16c:**

3. Air Quality e. Create objectionable odors affecting a substantial number of people - Reply states that the volatile organic compounds release during excavation may create objectionable odors. No list of volatile organic compounds given, are how they would be contained. No sites listed which could effect surrounding sensitive receptors listed in 3 d.

Findings of Significance should be: Significant Impact

Response:

*The list of VOCs is included in the draft OUI RAP and draft RD. DTSC's determination that operating a Soil-Vapor extraction system and excavating and hauling soils over the 18-month period will not pose unacceptable risks to the listed sensitive receptors because the proponent will comply with applicable SCAQMD rules and regulations including New Source Review, Rule 1166 and Rule 403. For example, these rules include stringent monitoring requirements and provisions that require that soils containing volatile organic compound first be remediated by soil vapor extraction and that remedial excavation work be suspended if unacceptable levels of volatile organic compounds are detected at the face of the excavation.*

**Comment 16d:**

7. Hazards and Hazardous Materials. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one quarter mile of an existing or proposed school. Golden Valley High School is located within one-quarter mile of the Whittaker Bermite facility property line. The proposed project would include excavation, transportation, and remediation of hazardous materials and potential emissions of hazardous gases. Findings of Significance should be significant.

**Response:**

*DTSC's determination that remediating the contaminated soil in phases over an 18-month period will not pose unacceptable risks to human and ecological receptors based on the ground that the proponent, in conducting the remediation work, will comply with applicable state and local laws and regulations covering air and water pollution, noise pollution, worker protection and land-use management.*

**Comment 16e:**

15. Transportation and Traffic: Substantially increase hazards due to design feature. Golden Valley Road provides direct access to OU1. Golden Valley Road will have a bike trail but no sidewalks. Students from the Golden Valley High School will be using the bike trail to walk from the high school to the Santa Clarita Sports Complex. Increase in traffic on Golden Valley Road, construction equipment arriving at the site, and the transport of contaminated soil will create physical hazards for these students, as well as the general public.

Traffic on Golden Valley Road will also expose sensitive receptors to National Technical Systems (NTS) an active hazardous testing facility that is currently under investigation by the Federal EPA. NTS is between the Golden Valley High School and the Santa Clarita Sports Complex without even a mention of NTS.

Finding of Significance should be: Significant Impact

**Response:**

*All vehicle traffic and construction equipment will enter the Whittaker-Bermite site through the main entrance on Soledad Canyon Road. Access to OU1 will be made through existing paved roads within the facility. The draft OU1 RAP and draft RD identify on-site soil and wastewater treatment and reuse as the preferred remedial strategy for remediating impacted soils. In the event that on-site treatment can not adequately reduce contaminant levels to acceptable levels, some soils may be transported to an off-site facility for disposal. Based on SCAQMD vehicle emissions limitations, the number of truckloads for off-site disposal will be limited to ten trucks per day.*

**Comment 16f:**

Another area of concern not mentioned in the initial study is the depleted uranium. How much depleted uranium remains on the site? What the related health risk  
Is there unexploded ordnance on the Site?

Response:

*There is no depleted uranium in OU1. DTSC and DHS (Radiological Services Branch) have reviewed the Depleted Uranium Removal Workplan for locating and removing small amounts of depleted uranium shell fragments from an area in OU3 that was the location of a former firing range.*

*The areas targeted for remediation in OU1 will be investigated and cleared of UXO/OEW before and during the remedial activities in accordance with site's Ordnance and Unexploded Waste Removal Action Workplan.*

**Comment 16h:**

There were 658 written responses to the community survey questionnaire. Almost all had a concern regarding cleanup activities and health. Exposure to dust blown chemical contaminants and exposure to chemical contaminants was of paramount importance to parents

Response:

*See response to Comment 16b.*

**Comment 16i:**

In April of 1997 DTSC settled a civil complaint against Whittaker. The complaint sought unspecified penalties and money to cover the investigation. The two sides settled the action for \$400,000 - \$160,000 of which was to be spent to plant and nurture oak trees on the land. The settlement included no admission of guilt and was made with the agreement the state would keep secret the documents seized from Whittaker in a 1992 raid.

Response:

*DTSC, pursuant to a settlement, agreed to return documents to Whittaker that had been seized pursuant to a search warrant. A subset of these seized documents was retained by DTSC to aid it in its investigation of contamination at the site. Whittaker claimed that these documents were privileged. DTSC agreed in the settlement to keep these documents confidential. Subsequently, Whittaker withdrew its claim of privilege, and the documents are no longer considered confidential. There are no oak trees in the areas targeted for remediation.*

**Comment 16j:**

A complete EIR is needed to address the concerns of the community and to protect the public not only from health risks but also from financial liability. Once the site is developed the state will not be liable if a problem stemming from the property's historic uses surfaces. Liability would go to the city (taxpayers) and the developer."

Response:

*DTSC prepared an Initial Study for the draft OU1 RAP as required by CEQA and determined that any potential impacts associated with implementing the proposed soil remediation work for OU1 can and will be readily mitigated. The proposed mitigation*

*measures are described in the draft Mitigated Negative Declaration and draft OUI Remedial Design. On this basis, the impact of this project is clearly not of the magnitude that requires preparation of an EIR under CEQA. In summary, the project is not expected to create any adverse ecological or human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently pose unacceptable risks to human and/or ecological receptors.*

Comments from Phillip B. Chandler, 2615 Marquette Dr., Topanga, CA 90290

*The comments submitted by Philip B. Chandler consisted of comments regarding several aspects of the Remedial Action Plan, and several comments regarding the reuse of clean soil. To facilitate the response to comments, the comments were divided into two sections. In the first section, Comments Regarding the RAP, each specific comment regarding different aspects of the Remedial Action Plan is responded to individually. In the second section, Comments Regarding Reuse of Clean Soils, the comments regarding reuse of clean soils are addressed as a group.*

### **Comments Regarding the RAP**

#### **Comment 17a:**

“The Department of Toxic Substances Control (DTSC) has extended the public comment period for this document in a relatively deceptive fashion. The end of the extended public comment period is cited 30 days from June 10, 2004. The end of the comment period should be specified on a regular workday or comments should be accepted on the first work day following a weekend comment period. Moreover, the Internet calendar contains no evidence that DTSC has in fact extended the comment period. The foregoing would appear to be an attempt to limit public comment on this “project”. In addition, the full document being noticed should be provided on-line to allow broader participation. Since the Hazardous Waste Management Program (HWMP) can somehow arrange to have its publicly noticed documents available on-line, it is incomprehensible that the Site Mitigation Program (SMP) cannot also go this extra step to enhance public participation

I ask that DTSC again reopen the public comment period and provide the full Remedial Action Plan (RAP) and the associated CEQA documents electronically on the web site so that the public/reader from parts of California could actually see the entire documents without having to travel to Glendale or Santa Clarita. I am of course presuming that SMP complies with DTSC’s so-called mandatory mailing list which contains environmental groups from diverse locations throughout the state

#### **Response:**

*The advertised public comment period for the Draft OUI RAP was extended from May 10<sup>th</sup>, 2004 to June 11, 2004 and the fact sheet was posted on the DTSC web page and the Whittaker-Bermite website. A public meeting was held on May 19, 2004. In response to the comments received, DTSC offered to have a second comment period to give the public an opportunity to review additional documents supporting the draft OUI RAP including the draft OUI Remedial Design. A letter dated June 16, 2004, was sent to*

*all on the mandatory mailing list describing the procedures for notification of the new public comment period. It appears that your name was not added to the mandatory mailing list upon receiving your comments and prior to the announcement of the second public comment period. However, the mailing list has since been corrected and your name was added so you will be receiving all future mail-outs. The OUI Feasibility Study, Draft OUI RAP and draft RD are available for review at the website [www.Whittaker-Bermite.com](http://www.Whittaker-Bermite.com). You may also call the site information phone line at 661-705-1444 to obtain updates and to submit questions.*

**Comment 17b:**

I am submitting the following brief comments for your consideration. I will also be providing an amplified version of these comments to several legislators and some environmental groups with the request that they examine some of the issues that I am going to raise. In particular, the SMP “policy” of using the “OU” concept to undercut existing regulations regarding Applicable or Relevant and Appropriate requirements (ARARs), for example, which in doing so would appear to be an underground regulation. Specifically, I am referring to the business of doing a remedial action, which selects site-wide “risk-based cleanup” goals on shallow soils, deferring inter-related consideration deeper soils contamination and ground water to other OU’s to be determined (TBD). Moreover, DTSC has prepared a negative declaration, without even any mitigations, for a portion of a large site-----claiming a final remedial action but restricting it a portion of one environmental medium. This is a clear-cut example of “project splitting” violation of the letter and spirit of the California Environmental Quality Act. This longstanding TBD/CEQA project splitting business of the SMP is inappropriate and certainly lessens protection of the environment and may in some situations act to adversely affect human health. Although I believe that a global fix is necessary, I am providing the following comments, in part, to typify some overall concerns as well as to represent some site-specific issues:

FINAL WHITTAKER-BERMITE FACILITY FEASIBILITY STUDY FOR  
OPERABLE UNIT 1 (OU1), DATED FEBRUARY 27, 2004 [The only technical  
document on the Glendale DTSC Office Public Notice Shelves the week of July 5 to 9,  
2004]

Cover Page - FS/RAP Issue -The technical basis for the RAP appears to be the “Final Whittaker-Bermite Facility Feasibility Study FOR Operable Unit 1 (OU1), prepared for Whittaker Corporation by Knight Piesbold and Co., and CDM, and dated February 27, 2004. Nowhere does this cover page indicate that it represents the RAP. Inserted into a pocket of the three ring binder that contains the aforementioned document is an Initial Study prepared by DTSC with the CEQA project title of “Whittaker-Bermite Facility Operable Unit 1, Remedial Action Plan”. Where is the RAP? If DTSC is using the consultants Feasibility Study document as the RAP, where is the explanation? If there really is a RAP document, why wasn’t it available for public review?

Response:

*The draft OUI RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the draft OUI RAP soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation. There is no intent by DTSC in submitting the draft OUI RAP for public review at this juncture to avoid responsibility for considering environmental impacts as a whole. As indicated above, the intent is to ensure the remediation of known source areas that pose identified risks to ecological and human receptors is commenced on a timely basis consistent with the NCP. The size and complexity of the Site dictated the need to divide it into operable units for remedial investigation purposes, which is also consistent with the NCP. Site-wide documents identifying site-wide cleanup goals, presenting and explaining global remediation strategies are already in preparation and will be submitted for public review as soon as possible.*

**Comment 17c:**

P.ES-2, ¶2 [table] - Human Health Risk Issue - It seems that the combined effects of the various VOCs in vapor-phase and as adsorbed phase on particulates is not represented in this table. I would ask DTSC to properly re-evaluate the health-risk if it wants to cite risk to workers who might disturb the soils. DTSC should bear in mind that VOCs partition--not fully convert to vapor-phase nor fully stay adsorbed to particulates. Health-risk assessments need to honor such partitioning. In other words it is wholly inappropriate to use only soil gas values for health-risk assessments when it only represents a portion of the contaminant mass that workers might disturb.

Response:

*The table lists risk-based cleanup goals for soils that are derived for the most sensitive receptors via the most critical exposure pathways. Section 6.0 of the FS describes the methods that were used to conduct the baseline risk assessment and establish risk-based cleanup goals.*

**Comment 17d:**

P.ES-3, ¶3 - ARARS Issue - There is a claim made that the FS report is giving “due consideration” to ARARS, amongst other criteria. This is flat out nonsense that DTSC should be clearly aware of before it blesses this document.

Response:

*Please note that the draft OUI RAP pertains to the excavation and remediation of shallow soils only. A site-wide Remedial Investigation Report and Feasibility Study is currently under preparation.*

**Comment 17e:**

P.ES-4, ¶3 - In Area 43, the question is how the “child vapor intrusion pathway will be determined to have been reached. Various performance standards for an in situ SVE system should have been included. In addition, in those areas where deeper contamination has been excluded from the cleanup, where is the evaluation of re-contamination through upward flux into the so-called “clean” zone? **DTSC has not taken consideration of the physical situation far enough in its RAP.**

**Response:**

*The draft OUI RAP calls for treating HVOC impacted soils to risk-based cleanup goals as needed via soil vapor extraction including any excavated areas where there is upward VOC flux following excavation. Contamination in deeper soil will be addressed in the site-wide documents that are currently under preparation.*

**Comment 17f:**

P.30, ¶1 - **Area 35** - A drainpipe is mentioned as leading from the sump near building 127. If this drainpipe or any other piping existed such that it was directly or indirectly, through other sumps, connected to the unclosed RCRA-regulated 317 Surface Impoundment Hazardous Waste Management Unit (HWMU, then those sumps and associated piping are part of that RCRA unit, and are subject to closure/post-closure care under RCRA. Therefore, DTSC must clarify the description provided in the FS and rectify its RAP as necessary. This is a global comment, in other words, the FS/RAP and associated CEQA documents must clarify where discharge from the various areas and buildings was directed.

**Response:**

*The drain pipe was not connected to the former Area 317 impoundment. Reference to Area 317 is outside the scope of the draft OUI RAP and it will be addressed in the site-wide documents.*

**Comment 17g:**

P.33, ¶2 and 3 - **Area 7** - see comment on Area 35. How was waste removed from the 1,200 gallon sump? Was this unit piped to the 317 surface impoundment? Was this unit connected to the 317 impoundment by surface channel? If so, then RCRA ARARs apply which DTSC has not mentioned. In any event, the description in the FS needs to be revised to clarify what was the ultimate disposition of discharged waste waters from activities at these buildings

**Response:**

*See Response to Comment 17f.*

**Comment 17h:**

P.36 ¶1 - **5.1 Identification of COPCs** - I notice that there is no mention of dioxins and furans. Was there ever any assessment of these compounds? What was the burn temperature range for the various tests that Whittaker performed where chlorinated

solvents might have gotten involved in the combustion? If these compounds could have formed and DTSC has failed to have Whittaker address them, then the entire RI/FS/RAP process is questionable, and this public notice needs to be withdrawn and these constituents properly addressed. At the very least, the issue of their formation should have been included in the FS analysis

Response:

*Dioxins are formed as a result of combustion processes, such as waste incineration, forest fires and backyard trash burning, and during manufacturing processes such as herbicide manufacture and paper manufacture. There were never any incinerators or burn pits located in OUI. In addition, there were no structure fires, based on historical records. Consequently, there would be no mechanism for the formation of dioxins/furans at OUI. However, for other OUs at Whittaker, if there was evidence of burn pits, incineration or building fires, dioxins/furans were included as target chemicals of potential concern (COPCs).*

**Comment 17i:**

P.38, ¶6, bullet 4 - **5.3.1 Description of ARARs** - The FS, with presumed DTSC concurrence, cites the Porter Cologne Water Quality Act, California Code of Regulations, title 23, as an ARAR and then proceeds to provide no analysis of why the proposed project is compliant with Porter Cologne. In point-of-fact, it appears that the proposed project is anything but compliance with this ARAR. DTSC has flat-out ignored some of the basic tenets of Porter Cologne in this document, the CEQA document and in its proposed decision on remedial action. Concurrence, cites the Porter Cologne Water Quality Act, California Code of Regulations, title 23, as an ARAR and then proceeds to provide no analysis of why the proposed project is compliant with Porter Cologne. In point-of-fact, it appears that the proposed project is anything but compliance with this ARAR. DTSC has flat-out ignored some of the basic tenets of Porter Cologne in this document, the CEQA document and in its proposed decision on remedial action.

Response:

*The proposed project pertains to shallow soils only. Contamination in deeper soils will be addressed in site-wide documents currently under preparation.*

**Comment 17j:**

P.40 to 47, - **6.0 Summary of Remedial Investigation** - If these samples described match Figures 5 and 6, for example, and both represent the full extent of sampling, then the proposed project was grossly under-sampled with respect to determining extent of contamination prior to making a remediation extent decision. In some instances, there is 1500 to 2000 feet around the postulated perimeter that appears without a single sample point. The lines on the map represent the basis upon which the calculations of removed volume are tabulated for CEQA. If this is not accurate, then the CEQA project is inaccurate and DTSC is asking for a blank check from the public with respect to project impacts. From the data presented in the FS, it appears that the remedial investigation was sufficiently deficient to impact the FS, RAP, and CEQA evaluation. If there is further data, then the FS/RAP needs to be rewritten and the CEQA updated



Response:

*DTSC has determined that the data generated from the OUI RI work is of sufficient quality and quantity to proceed with the development and implementation of the OUI FS and draft OUI RAP. Furthermore, the draft OUI RAP is proposed for the shallow soils and confirmation samples will be obtained following excavation activities. In addition, as stated in the response to Comment 17i, deeper contamination will be addressed in site-wide documents which are currently under preparation.*

**Comment 17k:**

P.47, ¶5 - **6.6 Contaminant Distribution in Groundwater** - This discussion is pitiful. DTSC must have more information on ground water in this OU than is described in this section. DTSC proposes a remedial action that must address RWQCB ARARS, admits that “perched” ground water exists within the OU in one boring and at a well installed in another boring and then flatly fails to evaluate the project with respect to it and assess what the lateral continuity of this water might be and what the ultimate fate of contaminants in such water might be----while proposing to leave in place “soils” contaminated at a “trigger” level and to replace other soils with contaminants at another level. This isn’t an acceptable evaluation upon which to base the regulatory decisions involved herein

Response:

*The draft OUI RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the draft OUI RAP soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation.*

**Comment 17l:**

P.3, ¶1 - **Risk Based Screening Level (RBSL)** - It appears that the Initial Study (IS) has a similar table to one of several in the FS. It remains unclear as to what the specific target “cleanup” numbers actually are. The IS must be perfectly clear about this in order for the public to evaluate what is being proposed and whether there is a significant impact to either the remaining uncleaned material, the cleaned material being redeposited elsewhere----outside the OU but inside the Facility, etc.

Response:

*Specific target cleanup goals are discussed in Section 4 of the draft OUI RAP and are summarized in Table 2 of the same document.*

**Comment 17m:**

P.4, ¶4 - **Soils Containing VOCs or a Combination of Perchlorate and VOCs** - The bit of text in the last sentence expands this project to the entire site but DTSC fails to actually address the impacts to the entire site. Specifically, “...the treated soils would be

transported to various locations within the **site boundaries** for use as fill in conjunction with final drying, compaction, and grading.” It appears that the disposal of so-called clean ”soils” can occur outside the OU that is the subject of this CEQA document. DTSC is trying to parse the project narrowly where it wants and then to open the whole thing to site-wide grading----presumably in conjunction with development which is also not described herein. Clearly, this is another reason that an EIR must be prepared for the whole site and not split into artificial pieces. Such project -splitting is contrary to the dictates of CEQA. Since the IS fails to describe the specific situation into which these so-called clean materials would be placed, one can envision a situation in which unconsolidated materials might be placed along a drainage and impact surface water or be placed within 15 or 20 feet of ground water. It should be clear that 1,500 ppb of TCE would represent a threat to surface or ground water in such circumstances. DTSC has neither chosen a protective cleanup number nor imposed conditions or mitigations to prevent residual contaminants from threatening waste discharge to waters of the state----- a clear contravention of the Porter Cologne ARAR since there has been no mention of Whittaker being required to seek WDRs from the RWQCB. The potential impact of the so-called clean “soils” is significant and DTSC as Lead Agency has failed to include it the mandatory findings of significance. According to §15065 of the CEQA Guidelines states that a Lead Agency shall find that a project may have a significant impact on the environment, and thereby require an EIR to be prepared for the project, where any of certain conditions occur. Top of the list is if the project has the potential to degrade the quality of the environment. Threatening discharge of waste from so-called clean “soils” seems to fit that bill.

Response:

*See responses to Comments 13 and 17b.*

**Comment 17n:**

P.5, ¶4 - **Chemical Oxidation Issue** - Promising to design the systems to mitigate admitted hazards is ridiculous. This flat out states that a mitigated negative declaration should have been prepared. DTSC apparently does not have the details of the very project that it is public noticing and has failed to meet the minimum standard for CEQA on this element of its proposed project alone.

Response:

*A Mitigated Negative Declaration has been prepared to address these types of concerns.*

**Comment 17o:**

P.18, ¶5 - 6.b. **[Geology and Soils] Result in substantial soil erosion or the loss of topsoil** - DTSC has totally ignored the fact that the project will be scraping topsoil and mixing it with underlying unconsolidated materials during the remediation process. This is an unevaluated impact. At a minimum, the IS needs to be redone and mitigations proposed. However, this is an additive defect which together with other flaws, implies that an EIR is necessary

Response:

*In addition to the response to Comment 17b, please note that the draft OUI RAP project does not call for scraping top soil and mixing it with unconsolidated material during the remediation process. Any impacted soil that is excavated will be treated to levels suitable for unrestricted use for each contaminant of concern.*

**Comment 17p:**

**P.18, ¶9 - 6.c. [Geology and Soils] Be located on a geologic unit or soil that is unstable** - DTSC has totally ignored that part of its project is the re-emplacement of so-called clean soils. Because it has failed to provide controls for such re-emplacement, “soils” could be placed where liquefaction could occur later or be placed in unstable side-hill situations. At a minimum, the IS needs to be redone and mitigations proposed. However, this is an additive defect which together with other flaws, implies that an EIR is necessary

Response:

*As stated in the response to Comment 17o, all impacted soils that are excavated will be treated to levels suitable for unrestricted land use. Please also see response to Comment 13.*

**Comment 17q:**

**P.23, ¶4 - 8.a. [Hydrology and Water Quality] Violate any water quality standards or waste discharge requirements** - DTSC has totally ignored the issue of the threat of waste discharge from the re-emplaced so-called “clean” soils. Under certain circumstances of re-emplacement at various places across the Facility, so-called clean “soils” having 1,500 µg/kg could raise ground or surface water above the 5 µg/l maximum contaminant level. DTSC failed to evaluate this and has provided no controls in its project. This is unacceptable. In addition, DTSC utterly fails to recognize that any threatened waste discharge by Whittaker and DTSC requires that the discharger apply for WDRs from the RWQCB. It is suggested that DTSC try reading the ARARs and not merely paying them lip service. Try §13260 of Porter Cologne, which states, in part, that “Any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the state...” shall “...file with the regional board of that region a report of the discharge...” DTSC and Whittaker should have done this long since with respect to the continuing discharge from VOCs and perchlorate in the vadose zone. Certainly excavation and re-emplacement at other locations represents a threat to ground and surface waters unless controls are in place. DTSC has proposed neither controls nor even monitoring. At a minimum this should be part of a mitigation package. However, this is an additive defect which together with other flaws, implies that an EIR is necessary. Impacts can be significant and §15065 of the CEQA Guidelines applies

Response:

*The draft OUI RAP calls for treating perchlorate-impacted soils to below detection levels to allow for unrestricted use as fill. The draft OUI RAP calls for treating HVOC-impacted soils to the most stringent risk-based cleanup goals to allow for unrestricted use as fill. The Porter Cologne Act has been given due consideration in the preparation of the draft OUI RAP and will be given due consideration in the Site-wide documents currently in preparation. Furthermore, all work will be conducted in compliance with LARWQCB requirements as set forth in Order No. 99-08-DWQ - "General Permit for Storm Water Discharges Associated with Construction Activity".*

**Comment 17r**

P.25, ¶1 - 8.f. **[Hydrology and Water Quality] Otherwise substantially degrade water quality** - See comments on 8.a above. There are potentially significant impacts and DTSC should have addressed them.

Response:

*Please see response to Comment 17q.*

**Comment 17s:**

I would again urge DTSC to reopen the public comment period and provide all of the pieces that supposedly constitute the proposed SMB project draft permit in electronic format on the DTSC website. Incomplete or piecemeal noticing is wholly unreasonable.

Response:

*Please see response to Comment 17a and Comment 17b.*

**Comments Regarding Reuse of Clean Soils**

*The reuse of contaminated soil that is planned for excavation and treatment is the subject of the following comments. These comments are grouped together with a response because they are related to the same subject.*

**Comment 17t:**

In addition, since DTSC is fully aware that the Whittaker-Bermite Facility has been the subject of various development plans which involve mass grading, it must also consider that the soils for which it is setting these risk levels may not be replaced in the same locations as derived nor, more importantly, in the same relationships to ground water. So far as I can tell from my admittedly limited review, DTSC is not including in its RAP---either the IS project description or consultants FS---anything requiring the so-called "clean" soils to be restricted from emplacement on the banks of drainages, above shallow ground-water, or even immediately into excavations that encounter ground water. Therefore, DTSC must also include the ground water pathway for human exposure from its deliberately and artificially narrowed OU scheme. **Without such restriction---and the restriction must be long-term and run with the individual property titles [very easy to postulate removal and disposal of soils from a residence for subsequent**

**construction of a swimming pool for example-- even a shallow soil cleanup as DTSC proposes in this RAP may affect drinking water.**

P.ES-2, ¶3 - Excavating shallow unconsolidated materials or so-called “soils” to the depths of “practical limits of investigation” but at the same time allowing unfettered replacement of these materials after remediation to the levels proposed in the ES-2 table or Table 8.10 [“Summary of Final Cleanup Goals by Receptor Population”, is not necessarily protective of ground water or surface water. Hopefully, DTSC is aware that most residential and commercial uses of land include application of water, through irrigation, spillage, or leakage, to the “soils” upon which those projects are constructed, e.g. lawns, green belts, swimming pool spillage, sewer and water piping, etc. Contaminants in “soils” cleaned to some of the objectives stated would invariably be subject to downward mobilization by such applied water. With respect to the VOC contaminants, such mobilization would include the partitioning of adsorbed VOCs into vapor phase after emplacement of “cleaned” soils---for example the 2,340 mg/kg of 1,1-dichloroethene (DCE) for final cleanup goal for recreational purposes. Hopefully, DTSC is aware that the maximum contaminant level for 1, 1-DCE is 5 µg/l and that proposed final cleanup goal would threaten ground water and perhaps surface water. **DTSC has utterly failed to comprehend or address the ARARs associated with Porter Cologne. I request that DTSC either re-examine its approved methodology for selected these so-called cleanup goals or add a stricture that Whittaker Corporation must cap the remediated areas---because of the failure to so-far address deeper “soils” and prevent any rain fall infiltration or artificially applied water from entering the so-called cleaned “soils” of the RAP wherever they might be emplaced on or off the Whittaker-Bermite Facility.**

P.ES-4, ¶4 - Areas 7, 55, and 329 issues - The question is what is the cleanup goal 40 µg/kg 500 mg/kg. If cleanup goal is 500 mg/kg, how re-emplacement of soils cleaned to a 500 mg/kg cleanup goal can be protective of ground or surface water if there is no restriction on where the “soil “ is emplaced nor control on rainfall or artificially applied water infiltration. If “cleanup goal for “treated soils” is 40 µg/kg why does excavation and treatment stop at 500 mg/kg? **The remediation proposed is incomplete and lacks coherency. DTSC must provide controls on land use to preclude threat to ground and surface water or to require Whittaker as part of this RAP to seek waste discharge requirements from the Regional Water Quality Control Board, thereby honor the Porter Cologne ARAR cited elsewhere**

P.ES-5, ¶2 - Area 26 issues - see comment on Areas 7, 55, and 326 above.

P.49,¶1 - **7.2 Summary Human Health Risk** - The disposal of soils on-site into situations where increased leaching might occur to ground water and off-site consumption does not appear to have been included. Nor does re-contamination of “cleaned” materials by existing contaminants being left at depth, nor the effects of residential use in mobilizing these deeper contaminants. This piecemeal OU approach is artificial and not protective of human health and the environment. An EIR needs to be prepared.

P.4, ¶4 - **Soils Containing VOCs or a Combination of Perchlorate and VOCs** - The bit of text in the last sentence expands this project to the entire site but DTSC fails to actually address the impacts to the entire site. Specifically, "...the treated soils would be transported to various locations within the **site boundaries** for use as fill in conjunction with final drying, compaction, and grading." It appears that the disposal of so-called clean "soils" can occur outside the OU that is the subject of this CEQA document. DTSC is trying to parse the project narrowly where it wants and then to open the whole thing to site-wide grading----presumably in conjunction with development which is also not described herein. Clearly, this is another reason that an EIR must be prepared for the whole site and not split into artificial pieces. Such project -splitting is contrary to the dictates of CEQA. Since the IS fails to describe the specific situation into which these so-called clean materials would be placed, one can envision a situation in which unconsolidated materials might be placed along a drainage and impact surface water or be placed within 15 or 20 feet of ground water. It should be clear that 1,500 ppb of TCE would represent a threat to surface or ground water in such circumstances. DTSC has neither chosen a protective cleanup number nor imposed conditions or mitigations to prevent residual contaminants from threatening waste discharge to waters of the state-----a clear contravention of the Porter Cologne ARAR since there has been no mention of Whittaker being required to seek WDRs from the RWQCB. The potential impact of the so-called clean "soils" is significant and DTSC as Lead Agency has failed to include it the mandatory findings of significance. According to §15065 of the CEQA Guidelines states that a Lead Agency shall find that a project may have a significant impact on the environment, and thereby require an EIR to be prepared for the project, where any of certain conditions occur. Top of the list is if the project has the potential to degrade the quality of the environment. Threatening discharge of waste from so-called clean "soils" seems to fit that bill.

P.4, ¶5 - The CEQA project discussion should include the likelihood of re-contamination of the imported materials from the so-called deep soils by vapor transport of VOCs. The level of that threat should be evaluated. Similarly, the percolation of either artificially applied water or incident rainwater through the new fill into the contaminated material below should be evaluated in the impact analysis and some estimate made as to the effect of ground water.

P.5, ¶4 - **Ex Situ Bioremediation Issue** - see above comment on P. 4 ¶4.

P.8, ¶4 - 2. **Agricultural Resources** - given that perchlorate has been found in agricultural products and contaminants being proposed to be left in so-called Clean "soils" could leach into ground water under some circumstances that DTSC has failed to place controls on, the IS needs to go beyond the immediate site to examine impacts of waste discharge downstream of the Facility. DTSC has failed to properly evaluate this impact category with respect to the proposed project

P.9, ¶4 and P.10, ¶2 - 2. **Air Quality** - The project being evaluated needs to include use of the treated soils as fill. If, as suspected, that the particulate risk must include all

adsorbed constituents, not just perchlorate, then the statement that no impacts would occur is not supportable at the time of the IS. Use of so-called clean "soil" that might present a greater risk than evaluated at present negates the assessment presented by DTSC. Mitigation measures are needed to deal with control of how and where such soils are emplaced, etc

P.11, ¶3 - 2.d. **[Air Quality] Expose sensitive receptors to substantial pollutant concentrations** - Because DTSC has not adequately evaluated the risks associated with particulate emissions---all adsorbed constituents must be evaluated together--- from emplaced so-called clean "soils", potential significant impacts exist and the project has the potential to degrade the quality of the environment. An EIR is necessary.

P.20, ¶3 - 7.b. **[Hazards and Hazardous Materials] Create a significant hazard to the public** - DTSC has totally ignored that part of its project is the re-emplacement of so-called clean soils. Because it has failed to provide controls for such re-emplacement, "soils" could be placed where they could impact ground and surface waters. At a minimum, the IS needs to be redone and mitigations proposed. However, this is an additive defect which together with other flaws, implies that an EIR is necessary

P.24, &1 - 8.e. **[Hydrology and Water Quality] Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff** - See comments on 8.a above. There are potentially significant impacts an DTSC should have addressed them. Because DTSC has included no controls on the placement for so-called clean soils@Whittaker could place them such that polluted run-off could occur, in fact in excess of the MCL for TCE. DTSC should note that pollution and contamination have different definitions in the Porter-Cologne ARAR. See ' 13050 of Porter Cologne. Pollution means alteration of water quality which affects use---not necessarily above a health standard. DTSC has proposed neither controls nor even monitoring. At a minimum this should be part of a mitigation package. However, this is an additive defect which together with other flaws, implies that an EIR is necessary. Impacts can be significant and ' 15065 of the CEQA Guidelines applies.

P.25, &1 - 8.f. **[Hydrology and Water Quality] Otherwise substantially degrade water quality** - See comments on 8.a above. There are potentially significant impacts and DTSC should have addressed them.

Response:

*The draft OUI RAP calls for treating perchlorate-impacted soils to below detection levels, and HVOC-impacted soils to the most stringent risk-based cleanup goals, to allow for unrestricted use as fill. The draft OUI RAP calls for treating HVOC impacted soils to risk-based cleanup goals as needed via soil vapor extraction including any excavated areas where there is upward VOC flux following excavation for perchlorate remediation. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OUI soil remediation work is restricted to shallow soils that can be removed by*

*excavation. Confirmation samples will be conducted to determine levels left in place. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation.*



**COMMENTS ON DRAFT OU1 RAP AND DRAFT REMEDIAL  
DESIGN FROM OCTOBER 4<sup>TH</sup> TO NOVEMBER 17<sup>TH</sup>, 2004,  
PUBLIC COMMENT PERIOD AND OCTOBER 28, 2004 PUBLIC  
MEETING**

Comments from Margaret Cassell, 19974 Tracy Court, Canyon Country, CA 91351

**Comment 18:**

As a resident of the nearby area, I appreciate receiving well-written information about this clean up project. The brochures we have received have made the situation clear and clearly described the process for remediation. We feel comfortable with the way the clean up process is proceeding. Thank you.

**Response:**

*DTSC appreciates your supportive comment.*

Comment from John Lindsey, 2240 Newport Blvd. Newport Beach CA 92663

**Comment 19:**

“Please provide current site information as available.”

**Response:**

*Your name was added to the DTSC mailing list to ensure that you are notified of current, and any future activities at the site. For the most current information, please visit the site’s website [www.Whittaker-Bermite.com](http://www.Whittaker-Bermite.com) or call the site information phone line at 661-705-1444. If you do not have access to a computer internet connection, you may visit any of the information repositories listed below to review the draft OU1 RAP and other related documents.*

- *City of Santa Clarita Planning Department  
23930 Valencia Boulevard, 3<sup>rd</sup> Floor  
Santa Clarita Ca 91350  
(661) 259-2489*
- *City of Santa Clarita Public Libraries-Valencia Branch  
23743 W. Magic Mountain Parkway  
Santa Clarita, CA 91350  
(661) 259-8942*
- *City of Santa Clarita Public Library- Canyon Country Branch  
18601 Soledad Canyon Road  
Santa Clarita CA 91350  
(661) 251-2720*

- *Department of Toxics Substances Control  
1011 North Grandview Avenue  
Glendale, CA 91201  
(818) 551-2800*

Comment from Lynn Plambeck, President of Newhall County Water District,  
23780 North Pine Street, Santa Clarita CA 91322-0970

**Comment 20:**

Same as those listed in Comment 10 with the following additional comments.

“We ask that the above be added as a mitigating condition in the recently proposed mitigated negative declaration for this project.”

It appears that no change to the draft document was made, nor was the requested condition added. We continue to request that the above condition be added to the mitigated negative declaration and the Action Plan.

Page 25, section 8b includes an incorrect description of the water resources for the Santa Clarita Valley. Our water is obtained from two groundwater sources, the Saugus Aquifer and the Santa Clara River Alluvium. The third source is the State Water Project, distributed through Castaic Lake Water Agency. No water agency in the Santa Clarita Valley is a Metropolitan member agency, nor do we receive water from Metropolitan. Also, we do not receive water from the Los Angeles Aqueduct.”

**Response:**

*Please see response to Comment 10. The OUI draft RAP was revised to include the correct description of water resources for the Santa Clarita Valley.*

Comment from Pat Saletore, Post Office Box 1182, Santa Clarita, CA 91386

**Comment 21:**

As you are well aware, the Whittaker Bermite site is a major concern to everyone in the Santa Clarita Valley. Not only the soil pollution, but also the water pollution has substantially impacted our community. Your agency is to clean-up the soil by dividing it into a series of operable units and count the water pollution as the last of these units.

**Response:**

*DTSC’s mission is to protect human health and the environment. DTSC will ensure that soil and groundwater at the site are adequately investigated and remediated in a timely manner.*

**Comment 21a:**

It certainly makes sense to clean up the soil first so that the chemicals do not continue to leach into the water, but it does not make sense to “piece-meal” the environmental document. Nor is it legal. All impacts will be related. They will also be cumulative. The

work to be done on all areas, including water pollution should be reviewed at the same time. We are concerned that fugitive dust, noise, impacts to biology and other impacts may not be fully mitigated if the full project and therefore the full extent of the impacts are not disclosed and addressed simultaneously. We therefore request that any environmental document address the full project and all operable units.”

Response:

*The draft OUI RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OUI soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation and will subject to CEQA review. There is no intent by DTSC in submitting the draft OUI RAP for public review at this juncture to avoid responsibility for considering environmental impacts as a whole. As indicated above, the intent is to ensure the remediation of known source areas that pose identified risks to ecological and human receptors is commenced on a timely basis consistent with the NCP. The size and complexity of the Site dictated the need to divide it into operable units for remedial investigation purposes, which is also consistent with the NCP. Site-wide documents identifying site-wide clean goals, presenting and explaining global remediation strategies are already in preparation and will be submitted for public review as soon as possible. All work conducted during the implementation of the draft OUI RAP will be in compliance with the applicable requirements and procedures.*

**Comment 21b:**

We are also concerned that a mitigated negative declaration is not sufficient to address the extent of impacts. We believe that the DTSC has incorrectly identified many of these impacts as “less than significant” when in fact, were the project not piece mealed, the impacts could not be so classified.

We wish to particularly address air pollution. The Santa Clarita Valley is a non-attainment zone for ozone and particulate matter. The project site is admittedly close to several sensitive receptors. The mitigated negative declaration argues that the actual work site is further away from these schools and day care centers than the property line, but provides no studies of wind direction or wind strength to indicate that dust will still not be blown in their direction. Because this dust may additionally be laden with pollutants, it is especially important to address this issue. The cumulative impacts of putting more dust into the air in a valley that is already experiencing extensive dust due to grading must also be addressed. We suggest that some appropriate mitigations might be warnings of blowing dust on windy days so that the schools will reduce outdoor exercise and providing air filtration systems for these facilities.

Response:

*The proposed mitigation measures are described in the draft Mitigated Negative Declaration and draft OUI Remedial Design. These documents include detailed discussions of controls that will be used to mitigate potential air quality impacts. DTSC has determined that excavating, hauling and cleaning the contaminated soil in phases over an 18-month period will not pose unacceptable risks to these receptors because the proponent will comply with applicable SCAQMD rules and regulations including New Source Review, Rule 1166 and Rule 403. These rules include stringent monitoring requirements that require that construction work be suspended if winds exceed 25 miles per hour.*

**Comment 21c:**

Drainages are proposed to be destroyed. An Army Corps 404 permit should be obtained and a restoration plan should be prepared. Cumulative impacts to unnamed tributaries of the Santa Clara River is significant and must be addressed.

Soil pollution and water pollution are obviously related. It is important that these two issues be addressed together to ensure that the work is coordinated and will fully address both problems. We request that the Regional Water Quality Control Board be brought in for oversight on the Water Quality issues. In other areas, they are the lead agency for water quality concerns. Why are they not involved in this document or in the clean up?

Response:

*The Site drainages only contain water during heavy winter storm events. One of the objectives of the project is to decrease pollutant loadings on the watershed. All work will be conducted in accordance with requirements set forth in LARWQCB Order No. 99-08-DWQ "General Permit for Storm Water Discharges Associated with Construction Activity" and the associated Storm Water Pollution Prevention Plan that has been developed for the Site including recent amendments. The proposed excavation activities set forth in the draft OUI RAP and draft RD documents will be restricted to the dry season to mitigate any concerns with additional runoff. In addition, the RD documents include plans to construct bermed pads for the soil treatment processing areas. The project may contribute additional percolation and runoff in connection with measures that are devised and implemented to satisfy SCAQMD requirements for the control of dust and VOC emission during earth moving work. Accordingly, DTSC is requiring that Whittaker copy the LARWQCB on all plans submitted to the SCAQMD relating to these controls, and to provide appropriate estimates of percolation and runoff in conjunction with the submittals. Excavation and remediation of the contaminated soil will occur in phases over an 18-month period. Compliance with applicable state laws and regulations covering water pollution as proposed in the RD document will be protective of the site drainages. The Regional Board has been and will continue to be involved in the CEQA review process.*

**Comment 21d:**

We do not understand how DTSC plans to remediate certain drainages without impacting riparian habitats as noted in the mitigated negative declaration. Drainages are riparian habitat. It appears that DTSC has ignored this fact and because it has re-named small tributaries as “drainages” it thinks it can therefore avoid biological oversight and mitigation requirements for these areas. Again, the requisite Army Corps 404 permits and Regional Water Quality 401 permits should be obtained for all impacted “drainages” on the proposed project so that restoration plans can be prepared.”

**Response:**

*Please see comment from the California Department of Fish and Game (Comment 9) and response from DTSC; and response to Comment 21c. Although the areas and drainages targeted for excavation have been historically disturbed, a qualified biologist will be onsite to conduct and document surveys and to ensure that every precaution is taken to avoid any impacts to wildlife resources.*

**Comment 21e:**

For the purposes of making an administrative record in this matter, SCOPE references and adopts as its comments 1) the law relating to the necessity of an EIR and 2) the avoidance of piece-mealing CEQA review of the Bermite remediation project, the excerpts from NOLO Press CEQA law treatise faxed in 2004 to Sara Amir at DTSC by CAG/SCOPE member Jennifer Kilpatrick.

**Response:**

*Please see response to Comment 21a.*

Comment from Carl Kanowsky, 26650 The Old Road, Suite 213, Valencia CA 91381

**Comment 22:**

This office has represented and continues to represent businesses and homeowners around the Whittaker-Bermite site. We also represent members of the Citizens Advisory Group, as well as a group of Circle J residents concerned about the Whittaker-Bermite known as Concerned Residents of Circle J. On behalf of these individuals, businesses, and organizations, we have reviewed the draft Remedial Action Plan, Draft Remedial Design and Mitigated Negative Declaration (“MND”) for the cleanup of OU1. We are very concerned that this project is going forward under a Mitigated Negative Declaration, as opposed to an Environmental Impact Report (“EIR”).

At both the May and the October Public Meetings, a number of Santa Clarita residents, who are also members of the Citizens Advisory Group (“CAG”), requested that an EIR on the clean-up process be done to address the numerous concerns raised in those Meetings. A great many members of the CAG who have attended many meetings have also expressed a desire that an EIR be performed on the project.

It appears that this project will potentially severely impact homes and businesses surrounding Whittaker-Bermite and that there is a strong community desire and interest in seeing that an EIR is ordered. The impacts could reach beyond just the local area and affect traffic patterns,

natural resources, water quality, and scenic quality with the destruction or change to local ridge lines. An EIR is necessary to adequately address these issues and to consider viable alternatives

**Response:**

*The draft OUI RAP and draft RD are an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OUI soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation and will be subject to CEQA review procedures. DTSC prepared an Initial Study for the draft OUI RAP as required by the CEQA and determined that any potential impacts associated with implementing the proposed soil remediation work for OUI can and will be readily mitigated. The proposed mitigation measures are described in the Mitigated Negative Declaration and draft OUI RD including detailed discussions of controls that will be used to mitigate potential air quality impacts. On this basis, the impact of this project is clearly not of the magnitude that requires preparation of an EIR under CEQA. In summary, the project is not expected to create any adverse ecological or human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently pose unacceptable risks to human and/or ecological receptors. In addition, implementation of the Draft OUI RAP will occur in various phases over an 18-month period and in compliance with applicable local and state laws and regulations covering air and water pollution, noise pollution, worker protection and land-use management will be protective of human health and the environment.*

**Comment 22a:**

An EIR is necessary for this project because of the significant environmental impacts the project will impose. Removal of 175,000 cubic yards of soil, even without more, by its very nature creates significant environmental impacts. For instance, the fumes from the equipment moving the dirt will pollute the air. The dust and debris that will be kicked up as a result of the removal will similarly impact air quality. To move that much dirt requires a large number of vehicles, which will impact local traffic patterns over an extended period of time. This will also significantly increase the amount of noise pollution from all these vehicles. The Whittaker-Bermite site is the largest remaining open space parcel in the Santa Clarita Valley. It contains wildlife corridors, flood plains and flood runoff patterns that impact surrounding neighborhoods, a large number of oak trees, and significant ridge lines that dominate the area. The impact of moving this much dirt with this much equipment over this extended period of time must be studied, alternatives considered and the public given an opportunity to review and comment. Beyond simply moving the dirt, various toxic chemicals now in the soil will be released to the air. OUI borders the Circle J neighborhood. What is the impact on those homeowners if prevailing winds change and the chemicals are blown into their backyards? Where is the discussion about all the other impacts this project will have on bordering developments? How will the project affect local water quality, both in terms of water runoff and drinking water? The Saugus Aquifer risks being impacted by this. Another

issue is that of unexploded ordnance. This issue, along with all the other ones, should be considered in an EIR, but is being glossed over by an MND.

Response:

*DTSC's determination that excavating, hauling and cleaning the contaminated soil will not pose unacceptable risks to these receptors is based on the ground that the proponent will comply with applicable SCAQMD rules and regulations including New Source Review, Rule 1166 and Rule 403, and the work will occur in phases over an 18-month period. DTSC will be actively involved in ensuring that environmental control measures are implemented and perimeter monitoring is conducted during site activities. There are no oak trees in the areas targeted for excavation. The site will be cleared for UXO prior to excavation activities. UXO trained personnel will be present onsite throughout soil moving activities. Any UXO/OEW discovered in the process of clearing an area will be handled according to the Ordinance and Explosive Waste Removal Action Plan (August 2002). All vehicle traffic and construction equipment will enter the Whittaker-Bermite site through the main entrance on Soledad Canyon Road. Access to OUI will be made through existing paved roads within the facility. The draft OUI RAP and draft RD identify on-site soil and wastewater treatment and reuse as the preferred remedial strategy for remediating impacted soils. In the event that on-site treatment can not adequately reduce contaminant levels to acceptable levels, some soils may be transported to an off-site facility for disposal. Based on SCAQMD vehicle emissions limitations, the number of truckloads for off-site disposal will be limited to ten trucks per day. (Please see response to Comment 21c for discussion of water runoff)*

**Comment 22b:**

There is nothing in the MND regarding the potential impact of the clean-up processes on the area, the community, and the local residents and businesses in terms of drainage and/or flood control (the Circle J neighborhood abuts Whittaker-Bermite, whose many canyons and valleys provide runoff from the site into the Circle J area; this is also true for the businesses along Springbrook and Drayton); how close the Soil Vapor Extraction ("SVE") will be to residents and businesses and what mitigation measures will be implemented to reduce noise and air pollution caused by these systems (including discussion of the wisdom of placing such devices in areas immediately adjacent to residents); the changes that will be made to the site's slopes and hillsides as a result of the massive earth movement; the identification of oak trees to be removed or alternatives to this; the overall noise and visual impacts the project will have. Moreover, DTSC has received anecdotal evidence of an increased incidence of cancer in the Circle J neighborhood. Another issue the MND does not deal with is the fact that the site is seismically challenged. What happens if there is another earthquake like the one in 1994 that caused significant damage in the Circle J neighborhood? What potential impact could a seismic event have on the clean-up process and the equipment and systems used in the process? Also, there is no discussion in the MND regarding health risks associated with the pollution already extant or any risks that are increased as a result of the extraction of the contaminants. Since there is no discussion of these issues, there consequently is no discussion of either alternatives or of mitigation measures.

Response:

*In addition to the responses to Comments 22 and 22a, DTSC's determination that SVE operations will not pose unacceptable risks to sensitive receptors based on the*

*ground that the proponent will comply with applicable SCAQMD rules and regulations including New Source Review. For example, the permits that SCAQMD issues for the equipment will include: (1) stringent emissions limits for the SVE discharge that go well beyond what is needed to mitigate risks to potential receptors; (2) specifications for the type of emissions control systems needed to meet the emissions limits; (3) compliance monitoring requirements; (4) prohibitions on operating the equipment out of compliance with the emissions limits. The location of SVE systems and associated equipment will be operated at or near the VOC impacted areas as indicated in the figures in the draft OUI RAP. The remediation project will not involve construction of permanent structures thus minimizing any structural damage and failure due to unanticipated natural disasters.*

*In regard to your concern of increased incidences of cancer in the Circle J neighborhood, please contact the County of Los Angeles Department of Health Services as follows:*

*Dr. Cyrus Rangan  
Department of Toxics Epidemiology  
313 North Figueroa Street, Room 127  
Los Angeles, CA 90012,  
Tel: (213) 738-3220  
Fax: (213) 250-2594  
E-mail: crangan@dhs.co.la.ca.us*

**Comment 22c**

Concerns have also been expressed about the wisdom of dividing the entire Bermite site into several operable units rather than addressing the site as a whole.

**Response:**

*There is no intent by DTSC to avoid responsibility for considering environmental impacts as a whole. The intent of this draft OUI RAP is to ensure the remediation of known source areas that pose identified risks to ecological and human receptors is commenced on a timely basis consistent with the NCP. The size and complexity of the Site dictated the need to divide it into operable units for remedial investigation purposes, which is also consistent with the NCP. Site-wide documents identifying site-wide clean goals, presenting and explaining global remediation strategies are already in preparation and will be submitted for public review as soon as possible.*

**Comment 22d:**

We are concerned that a tour of the site occurred on Monday, November 15, 2004, and that members of the public and the CAG were excluded. Therefore, as a founding member of the CAG, I formally request that, pursuant to the California Health and Safety Code, the responsible party (i.e., Whittaker) fund a technical assistance grant for the use and benefit of the CAG.”

**Response:**

*DTSC contacted Whittaker to convey your request for a technical assistance grant to assist the CAG. It is DTSC’s position that ample technical assistance has been offered*



*to members of the CAG through the public participation process and during the regularly scheduled meetings. Whittaker is unable to fund your request at this time. DTSC staff will continue to offer their technical expertise to any member of the community.*

Comment from Carmillis Noltemeyer, 25936 Sardinia Court, Valencia CA 91355

**Comment 23:** “At the public meeting, Thursday, October 28, 2004 the community again requested the DTSC to conduct a complete EIR. The current draft mitigated negative declaration is for soil only on Operable Unit 1. This phasing of the environmental review is apparently being done to make it appear that the health risks are less than significant. The DTSC wants us to believe that the hauling and clean up of 174,000 cubic yards of contaminated soil will not have a significant effect on the environment or pose a health risk to the surrounding area. They want us to believe that the proposed on site clean up of hazardous contaminants that exceeded acceptable health risks to humans are less than significant and no mitigations are necessary. [Initial Study 7. Hazards and Hazardous Materials]

**Response:**

*In addition to responses to Comments 22 and 22a, DTSC has determined that the concentration of contaminants (Perchlorate and VOCs) in the shallow soil in areas within OUI poses an unacceptable risk to human health under the unrestricted land use scenario. That is why the shallow soil is targeted for remediation under the draft OUI RAP. The mitigation measures listed in the draft Mitigated Negative Declaration and draft OUI RD are measures intended for the prevention of exposures to contaminants or environmental impacts associated with the implementation of the soil cleanup methodologies as described in the draft OUIRAP.*

**Comment 23a:**

The initial study for a mitigated declaration is inadequate to protect the health, safety, and welfare of sensitive receptors in the surrounding area. The Human Health Risk Assessment is inadequate to protect health the health, safety and welfare of sensitive receptors in the surrounding area.

The Human Health Risk Assessment were conducted in the same manner you are trying to do the environmental review, in phases [Knight Piesold, 2000a, 2000b, 2003 and 2004]

The Whittaker-Bermite Facility is a 996-acre site that was divided into seven operable units (OUs). Six land OUs with the 7<sup>th</sup> for water only. The OU1 was divided into sub units of OU1A, OU1B, OU1C and OU1Dn and OU1Ds. Originally there were only 5 land units. Then the City of Santa Clarita and the William S. Hart Unified School District decided to build the Golden Valley Road through a part of the Whittaker Bermite site, because NTS, a hazardous testing facility (now under investigation by the USEPA) next to the school site would not allow them to cross the property. When the investigation at the OU1A and OU1B needed additional sampling to characterize the extent of contamination a decision was made by Remediation Financial, Inc/Santa Clarita L.L.C. and Sayareh Amir of the DTSC to create a new operable unit, OUIE. Hamid

Saefar, Chief, Site Mitigation Program, DTSC Glendale who is now in charge of school site review for the DTSC proposed this option. [Letter dated Dec.21, 1999 and Jan.7 2000] This was done to facilitate the construction of the Golden Valley Road and the Golden Valley High School next to the Whittaker-Bermite brownfield.

OU1E combined the upgradient portion of OU1A and the portion of OU1B that contained Area 55 and the portion of OU2 that contained Areas 7 and 43. All highly contaminated areas. OU1E was not included in the health risk assessment for OU1A, OU1B and OU1C. This allowed them to issue a no further action letter. The DTSC did not require a Health Risk assessment for the Golden Valley High School.

Cancer risks were calculated as part of the human health risk assessment for OU1E. Based on Federal and state guidelines, the acceptable upper limit of cancer risk is generally set in the range of  $1E-4$  to  $1E-6$ . The results of this human health risk assessment indicated that total cancer risks were  $5.9E-4$  for adult residents and  $1.7E-5$  for child residents. Chemicals that contributed most to adult and child cancer risks included 1,2 dichloropropane, 1-DCE, PCE and TCE. [Former Whittaker-Bermite Facility Remedial Investigation Report and Baseline Risk Assessment for OU1E Feb. 28, 2003] This allowable exposure level for TCE has been greatly decreased since some of these health risk assessments were done.

The phasing of the health risk assessments in this manner leaves the community with very little confidence in the process that should protect us from exposure to hazardous waste and ensure public health.

Response:

*The draft OUI RAP pertains to shallow soils only. The results of the Baseline Risk Assessment work are summarized in the OUIFS document. Each area within a subdivision associated with historical manufacturing activities was investigated and characterized to determine the risks it poses to future land users. Please refer to responses to Comment 21 for the rationale for dividing the site into operable units.*

**Comment 23b:**

The City of Santa Clarita entered into a REIMBURSEMENT AGREEMENT FOR CITY SERVICES ASSOCIATED WITH DEVELOPMENT OF THE WHITTAKER-BERMITE PROPERTY. (Agreement) In this Agreement they state that the extent of the contamination of the Property, including but not limited to the perchlorate contamination, was not fully known as of the time the 1995 Environmental Impact Report (EIR) was prepared. Cleanup and reuse of the Property must comply with CEQA and the PERC settlement. The 1995 EIR for this property did not cover the types of on site cleanup being proposed now and a subsequent EIR is required. Also Condition DS-12 requires the entire site to be clean before any structures can be built. An EIR on the Cleanup and reuse of the Property is required, not piecemeal OU approach being presented by DTSC.

The agreement states “a subsequent EIR that is sufficient in scope and detail to permit the City and DTSC to issue whatever discretionary approvals may be reasonably be required

to implement the removal and/or interim remedial actions such as soil removal in the portion of the property known as Area 55.

**Response:**

*Cleanup of the Site is proceeding independently of Site development and the appropriate CEQA documents pertaining to remediation of the site have been prepared and are available for public review at the information repositories. For questions pertaining to development, please contact the City of Santa Clarita.*

**Comment 23c:**

The Initial Study states that the OU1E Area contamination of HVOCs/Perchlorate is 50 to 90 feet below the ground surface, in OU1E Area 7 it is 10 to 140 feet below the ground surface. (Initial Study 10/5/04 page 3 of 42).

The Draft Remedial Design states that the chemically impacted soil at OU1E Area 55 are beyond practical limits for excavation. Contamination left in place (e.g. deeper than the practical limit of excavation) will be addressed by the Site-wide remedial action. The Site-wide remedial action is not complete. OUs 2 through 7 are not complete. (Draft Remedial Design Section 2, 2.4.3.2 OU1E Area 55 page 2-9).

The Draft Remedial Design states that the contaminated soil in OU1E Area 7 will be cleared of TCE and perchlorate in one area to a depth greater than 10 feet to reduce the volume of perchlorate source to groundwater. The 140 feet area is deeper than the practical limit of excavation. "Similar to the Area 55, the decision on how deep to perform the excavation in this area will have to be made in the field with considering the physical constraints and in consultation with DTSC."

ANY contamination left in place will continue to contaminate our water supply and pose a continued health threat to our community. ANY decision to leave OU1E, Area 55 or OU1E, Area 7 or any other area with contamination left in place as a dumpsite with deed restrictions is unacceptable to this community

**Response:**

*See Response to Comment 22.*

**Comment 23d:**

You consistently fail to acknowledge sensitive receptors in the area. Significant air quality impacts can only be mitigated if there is honesty in the reporting the surrounding area to the SCAQMD. The effect of this project on air quality is not temporary. Soil Vapor Extraction (SVE) will be used in OU1E, Area 43, and no time frame for this used has been established. Also there will be the blow in place contamination from Ordnance Explosive Waste removal.

The on site treatment of soils contaminated with VOC will increase the particulate matter with diameter of less than 10 microns. It is only ANTICIPATED that vapor phase activated carbon will be used to mitigate air emissions associated with soil vapor

extraction and vacuum assisted dewatering operations. There has been not time frame set for the operation of these systems. It is only ANTICIPATED that water spray systems and enclosed conveyors will be used to mitigate air emissions associated with crushing and screening operations. They state that there will be continuous emissions monitoring during excavation but the Draft Design states that the results of air monitoring will be submitted to the DTSC project manager only if requested. The Draft Design states that the primary air contaminants are metals and perchlorate. There are no established action levels in literature for perchlorate or any of its salts. Perchlorate has already been detected in the air quality study for the Golden Valley High School. Vapor intrusion into the surrounding area has not been addressed. The Golden Valley High School was built with out any gas detection equipment or venting system. These systems were recommended in the GeoSoils, Inc. Phase 1 Environmental Site Assessment for the School Site.

The Santa Clarita Valley has some of the worst air quality in the nation. On site soil cleaning will only add to the problems. This is a significant impact that can be avoided by having all soil treated outside of the Santa Clarita Valley area away from homes and schools. If chemical oxidation is used on site additional hazardous properties would be added to our area. Gas-phase chemical oxidants include ozone.

You list eight sites that have sensitive receptors located within 0.5 mile. Most of those listed are within 0.02 miles of the site. They are all located next to OU1. The treatment area is along the border area of OU1E and OU2 which means it is only approximately 300 feet from the Whittaker-Bermite facility boundary. Also the grading and hauling of contaminated soil is not limited to the four acre treatment site. There will be significant impacts to sensitive receptors.

It appears the DTSC is going to great lengths to try to deny the presents of sensitive receptors. For the DTSC to state that less than significant impacts would occur and no mitigation is necessary raises some serious questions about their actions. The DTSC approved the Santa Clarita Sports Complex and the Golden Valley High School which are located across Golden Valley Road from this brown field.

How was it established that the volatile organic compounds released during excavation would only affect workers at the remediation facilities?

Volatile organic compounds release during excavation can create objectionable odors. There is no list of volatile organic compounds given, are how they would contained. No sites are listed which could effect surrounding sensitive receptors. The Golden Valley High School is located on a high mesa directly across the Golden Valley Road from the Whittaker-Bermite OU1 treatment site. There could be significant impacts to sensitive receptors.

Control Measures appear inadequate when dealing with hazardous contaminants that exceeded acceptable risks to humans, especially with the great number of sensitive receptors next to the site. SCAQMD Rules help only if they are given accurate

information regarding the soil being graded and the number of sensitive receptors next to the site. You state that exposed soils could run off the site into public right-of-ways and/or storm drainage system. Since contaminated soil would be hauled to the on-site remediation facilities in batches of approximately 50,000 cubic yards it could create a health hazard for the public.

Activities will create a significant hazard to the public or the environment throughout the routine transport, use or disposal of hazardous materials.”

Your answer does not address the public at all. You continue to ignore all the thousand of sensitive receptors next to this site. The Health and Safety Plan that will be prepared is for employees who work on the Whittaker-Bermite facility. Hauling and clean up on-site of 174,000 cubic yards of contaminated soil will have a significant effect on the environment. Contaminated soils from OU1 and other portions of the Whittaker-Bermite Facility are in bins on the OU1 site.

The hauling and on-site cleanup of 174,000 cubic yards of contaminated soil will expose the public to off-gassing as well as perchlorate and VOCs within the soils. This type of on-site clean up has never been done next to schools and thousands of sensitive receptors. Significant Impact.

Golden Valley High School is located within one-quarter mile of the Whittaker-Bermite facility property line. It is located next to OU1 and the proposed treatment site.

The proposed project would include excavation, transportation, and remediation of hazardous materials and potential emissions of hazardous gasses within one-quarter mile an occupied school.

Noise- Once again you ignore the sensitive receptors. The Golden Valley High School is within one quarter mile of this site. So are many other sensitive receptors. Nor would noise be limited to trucks and workers on the site, what about you on-site treatment systems.

Response:

*Please see responses to Comments 16b, 16c and 22.*

**Comment 23h:**

At a soil scrubbing rate of 500 tons a day, a max of approximately 184,000 gallons of fresh water will be needed per day. (130 gallons per minute.) Who provides the water? This on-site method will create more contaminated water. This water will require a treatment system on-site. Up to 144,000 gallons per day of treated groundwater will be discharged into the storm drain located along Soledad Canyon Road and Commuter Way. The discharge from the storm drain flows into the Santa Clara River.

It appears you completely ignored the on-site clean up process you propose to use on the site.

Response:

*Water for soil washing operations will be obtained from existing wells within the boundaries of the site. The spent wash water will be treated and either recycled for use for dust suppression or discharged to the Santa Clarita River in compliance the NPDES permit from the LARWQCB.*

**Comment 23i:**

Mandatory Findings of Significance-The piece meal phasing of the Whittaker –Bermite site is being done to make the health risk and environmental risks appear less than significant and to avoid addressing the cumulative effects. This finding should be – Significant Impact.

Response:

*Please see response to Comment 22c.*

**Comment 23j:**

Another area of concern not mentioned in the initial study is depleted uranium. How much depleted uranium remains on the site? What is the related health risk? Since contaminated soil from other parts of Whittaker-Bermite have been moved to OU1 depleted uranium may be onsite. Depleted uranium is known to exist in OU3.

Is there unexploded ordnance (UXO) on the site? Has it been removed? How is it been removed? This was never addressed in the health risk assessment. The Tierra Santa risk must be taken into consideration. Two little boys were killed because all of the UXO was not cleared.

Response:

*Depleted uranium was not found in OU1 which is the subject of the draft RAP. The site will be cleared for UXO prior to excavation activities onsite and UXO trained personnel will be present onsite throughout soil moving activities. Any UXO/OEW discovered in the process of clearing an area will be handled according to the Ordnance and Explosive Waste Removal Action Plan (August 2002).*

**Comment 23k:**

There were 658 written responses to the community survey questionnaire. Almost all had a concern regarding cleanup activities and health. Exposure to dust blown chemical contaminants and exposure to chemical contaminants was of paramount importance to parents

Response:

*Please see response to Comment 16b.*

**Comment 23l:**

In April of 1997 DTSC settled a civil complaint against Whittaker. The complaint sought unspecified penalties and money to cover the investigation. The two sides settled the

action for \$400,000 - \$160,000 of which was to be spent to plant and nurture oak trees on the land. The settlement included no admission of guilt and was made with the agreement the state would keep secret the documents seized from Whittaker in a 1992 raid

Response:

*See response to Comment 16i. There are no oak trees in the areas targeted for remediation which is the subject of the draft OUI RAP:*

**Comment 23m:**

A complete EIR is needed to address the concerns of the community and to protect the public not only from health risks but also from financial liability. Once the site is developed the state will not be liable if a problem stemming from the property's historic uses surfaces. Liability would go to the city (taxpayers) and the developer

Because the City of Santa Clarita, the William S. Hart Unified School District and the DTSC have been responsible for placing thousands of sensitive receptors next to this brown field the community deserves another independent oversight review.

Response:

*DTSC's mission is to protect public health and the environment by cleaning up the soil and groundwater, however DTSC does not have jurisdiction over development once cleanup is completed. The City of Santa Clarita determines and approves land use.*

Comment from Jane Williams, California Communities Against Toxics.

**Comment 24:**

Thank you for the opportunity to comment on the Mitigated Negative Declaration for the Whittaker Bermite Remedial Action Plan. We are concerned about the potential health effects of the proposed cleanup action on the neighboring community and the nearby schools and daycare centers. Due to the proximity of sensitive receptors and the magnitude of the cleanup at Whittaker Bermite, mitigations are necessary to protect public health and the environment.

We are concerned about the lack of full disclosure about the potential impacts that the cleanup and proposed redevelopment may have on public health. We are concerned that the project has not been clearly defined and is piecemealed under CEQA.

The term "project" refers to the whole of an action and to the entire development or other activities that will result from the approval. 14 Cal. Code Regs. § 15378(a). This definition is broad in order to maximize protection of the environment. Adoption of a mitigated negative declaration is not appropriate unless the evidence in the record demonstrates that mitigation measures will reduce all impacts of the approval to a level of insignificance. *San Bernardino Valley Audubon v. Metropolitan Water District*, 71 Cal.App.4<sup>th</sup> 382, 391 (1999).

Thus, CEQA requires environmental review of the whole action, not piecemealing into separate parts. *Bozung v. LAFCO*, 13 Cal.3d 263, 283 (1975); *San Joaquin Raptor v. County of Stanislaus*, 27 Cal.App.4<sup>th</sup> 713 (1994). The project description should reflect this by giving an accurate view of the project as a whole, revealing indirect or ultimate environmental effects of the project being approved. The description must include all relevant parts of a project, including reasonable foreseeable future expansion or other activities that “credible and substantial evidence” shows are part of or linked to the approval. *Laurel Heights Improvement Ass’n v. Regents*, 47 Cal.3d 376 (1988); *Berkeley Keep Jets Over the Bay Comm. v. Board of Port Comm’n*, 91 Cal.App.4<sup>th</sup> 1344, 1362 (2001).

Accordingly, an agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impacts of the project as a whole. *Orinda Ass’n v. Board of Supervisors*, 182 Cal.App.3d 1145, 1171 (1986). CEQA “cannot be avoided by chopping up proposed projects into bite-size pieces which, individually considered, might be found to have no significant effect on the environment . . .” *Plan for Arcadia, Inc. v. City Council*, 42 Cal.App.3d 712, 726 (1974).

Moreover, CEQA requires a review of cumulatively considerable impacts. “Cumulatively considerable” is defined to mean that the increased effects of a project are considerable when viewed in connection with . . . probable future projects.” Pub. Res. Code § 21083(b)(2). If there is substantial evidence that a project’s potential impacts are cumulatively considerable even though the approval contains a mitigation program addressing certain impacts, adoption of a mitigated negative declaration is not appropriate. *Communities for a Better Env’t. v. California Resources Agency*, 103 Cal.App.4<sup>th</sup> 98, 115 (2002).

Moreover, a recent case (*Aces v. Yosemite Junior College*) says that the entire project consists of the planned remediation and subsequent actions such as the redevelopment of the land. Just in Operating Unit-1 over 400,000 cubic yards of contaminated soil will be excavated and treated onsite. It is unclear how large the total amount of excavated soil will be and what the emissions of the treatment technologies will be, indeed, it is still unclear what the treatment technologies will be much less what the emissions will be. It is unclear what the public health and environmental impacts of the residual contamination that will be left in place will be. It is unclear how long the cleanup will last and what the impacts on traffic flow, diesel emissions, and the impact of all of the cumulative effects on the nearby schools, neighborhoods, and daycare centers.

It is because of these issues that we believe that a full Environmental Impact Report is required under state law and is necessary to protect the health of the local residents and the environment.

Thank you for this opportunity to comment on this Mitigated Negative Declaration; we look forward to engaging in the decisions that the DTSC makes on this project.

Response:



*The draft OUI RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the OUI soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently in preparation and will be subject to CEQA review procedures. DTSC prepared an Initial Study for the OUI draft RAP as required by CEQA and determined that any potential impacts associated with implementing the proposed soil remediation work for OUI can and will be readily mitigated. The proposed mitigation measures are described in the draft Mitigated Negative Declaration and draft OUI Remedial Design including detailed discussions of controls that will be used to mitigate potential air quality impacts. On this basis, the impact of this project is clearly not of the magnitude that requires preparation of an EIR under CEQA. In summary, the project is not expected to create any adverse ecological or human health impacts; to the contrary, it is expected to remediate areas where contaminated soils currently pose unacceptable risks to human and/or ecological receptors. The remediation activities under the proposed plan will be conducted over a period of 18 months and will be performed in compliance with applicable state and local laws and regulations covering air and water pollution, noise pollution, worker protection and land-use management.*

*There is no intent by DTSC in submitting the OUIRAP for public review at this juncture to avoid responsibility for considering environmental impacts as a whole. As indicated above, the intent is to ensure the remediation of known source areas that pose identified risks to ecological and human receptors is commenced on a timely basis consistent with the NCP. The size and complexity of the Site dictated the need to divide it into operable units for remedial investigation purposes, which is also consistent with the NCP. Site-wide documents identifying site-wide cleanup goals, presenting and explaining global remediation strategies are currently under preparation.*

Comments from Connie Warden-Roberts, Chairwoman, Citizens Advisory Group 25709 Rye Canyon Road, Suite 105, Santa Clarita, Ca, 91355

**Comment 25:** “

On behalf of the majority of the Citizen’s Advisory Group we are writing to add our commentary to the extensive plans and proposals developed by the DTSC, ACOE and Consultants addressing the clean-up of the Bermite/Whittaker site in the Santa Clarita Valley

**BACKGROUND:**

Longtime residents of the Santa Clarita Valley have known for years that a nearly 1,000 acre munitions plant was located in the center of the City of Santa Clarita. They understood that this factory had produced munitions and explosives for a number of wars

since 1934, and that what is today considered “very primitive” methods of disposal of the residue were utilized. The three techniques utilized were the “blow, burn or bury” methods. All of which subsequently left contaminated residue in the ground and later became present in the ground water. The plant closed in 1987.

Approximately five years ago, upon learning that a water production well adjacent to the aquifer was contaminated with perchlorate, a small group of residents and I contacted the Department of Toxic Substances Control to learn how to form a Citizens Advisory Group (CAG). The purpose of the CAG was to learn as much as we could about the contamination, and to advocate timely and effective treatment and clean-up. Castaic Lake Water Agency, the water wholesaler, was joined by the Newhall County Water District, a water retailer and immediately closed the perchlorate contaminated well so that no polluted water reached the residents. Later four more production wells were closed.

It was heartening to learn that CLWA immediately began investigating several successful remediation techniques such as bio-remediation and ion exchange methodologies and have adopted the most suitable for the local problems.

Shortly after preceding this time, a potential buyer of the property (R.F.I.) wanted to build housing on the land and had entered a purchase agreement with the owner Bermite-Whittaker. Eventually R.F.I. demonstrated they had neither the skills nor the financing to undertake such a challenging property and declared bankruptcy.

While the CAG is under the aegis of the DTSC, the City graciously welcomed the Citizen’s Action Group (CAG) and accommodated our meetings (which are open to the public) in the City Council Chambers. They also facilitated the discussions by making audio tapes of the meetings. DTSC officials attend regularly giving input. Also in attendance is the Army Corps of Engineers (ACOE) represented by Larry Sievers. Many thanks go to the efforts of our Congressman H.P. McKeon who secured monies paying the ACOE. The ACOE did a masterful job of mapping the movement of the contaminated waters in both the deep Saugus Aquifer and the Alluvial Aquifer. Methodologies for the clean up of all perchlorate contaminants have been identified and will be utilized by CLWA, as they have been successfully employed elsewhere.

A definitive Public Participation program, under the direction of Tim Chauvel, from DTSC, solicited hundreds of responses from the general community. These were published and distributed throughout the community and added to the body of information on which the authorities acted,

The City of Santa Clarita created a very meaningful Multi-jurisdictional Committee that meets preceding each CAG meeting. At these meetings representatives from the Water Agencies, technicians, experts in varying disciplines as well as DTSC, ACOE and City Officials and City staff members are present. It is my good fortune as Chairman, to represent the CAG at these meetings.

Meanwhile over a period exceeding two years a battery of technical experts from DTSC and skilled Consultants have completed the characterization of Operating Units 1 through 7, they have developed a workplan, and will have fully completed the Investigation Report by the end of 2004. DTSC anticipates the Certification date of the entire site by May 2007.

It is the hope and expectation of the Citizen's Advisory Group that a complete clean-up of the site will occur on the timetable advocated by DTSC. Moreover, it is our fervent hope that strong economic improvements will be developed at this location for the benefit of the entire valley.

The CAG is strongly supportive of the adoption of the current remediation proposal under the supervision and monitoring of DTSC. We urge the acceptance of the Remedial Action Plan issued in May 2004, and the draft "Remedial Design – Soil Remedial Action for Operable Unit 1" issued in October 2004, for the following reasons:

1. The current remediation process calls for the remediation of the entire 1000-acre site, according to an "unrestricted use" standard, which is the highest possible remediation standard. Key tasks in the plan will consist of;
  - ❖ Permitting and Planning
  - ❖ Site Preparation
  - ❖ Soil Excavation
  - ❖ Soil Remediation
  - ❖ Backfilling and Compaction
  - ❖ Closure Report
  - ❖ Environmental Controls
2. The current remediation proposal is the distillation of tens of thousands of man-hours of remedial investigations and feasibility studies, all of which have been reviewed and scrutinized by the public through CAG meetings and other public meetings.
3. The current remediation proposal anticipates potential adverse environmental impacts of the remediation process, including the possibility that contaminants may be released during remediation, and it calls for the use of all currently known technologies to prevent, control, and mitigate any such adverse impacts.
4. These technologies include excavation, off-site bioremediation, off-site soil washing, and off-site chemical oxidation, to remove perchlorate and other chemical contaminants from the soil, and to permit decontaminated soil to be restored and compacted so as to minimize adverse impacts to the property's unique geographic features. They also include on-site soil vapor extraction wells to remove and dispose of volatile organic compounds (VOCs) now trapped in the soil. This process will not involve the onsite incineration of VOCs, but rather will

involve their off-site disposal through the use of granular activated carbon canisters.

5. The current remediation plan also calls for the use of extensive monitoring of potential adverse impacts, and for the immediate mitigation of such impacts, to protect the health and safety of the community during the remediation process.
6. Taken together, these remediation and monitoring technologies represent the state-of-the-art in remediation design. The CAG recognizes this is not a complete guaranty of the results of the current proposal. However, according to the testimony of the many scientific and technical experts who have appeared before the CAG over the years, these technologies are reliable and predictable in their effectiveness, and amenable to timely and effective monitoring.
7. On the cumulative basis of this received testimony, the CAG believes that the current remediation plan (a) carefully anticipates all potential adverse environmental impacts of the remediation process; and (b) calls for the use of all available remediation and monitoring technologies to (i) achieve a complete remediation of the property, and (ii) protect the health and safety of the surrounding community during the remediation process. Consequently, the CAG believes that the current remediation proposal functions in the same manner as an environmental impact study to identify potential adverse environmental impacts of the remediation process, and to provide pro-active mitigation and monitoring of such impacts.

Based on the foregoing, the undersigned CAG members urge that the current remediation plan be adopted, and that remediation activities pursuant to the current plan go forward as proposed.

#### CAG Response to Remedial Action Plan

The CAG has worked diligently for the past years to represent the citizens and community of Santa Clarita to ensure that the 995 acre Whittaker Bermite site be cleaned of all contamination and that any and all ground water contamination also be cleaned up. The remediation action plan which the Department of Toxic Substances Control (DTSC) has released and on which we are now commenting is a giant step forward toward that day, which we believe will now occur, when the land and the water will be totally cleaned.

One of the core principals that CAG has had since its inception is that the land and the water be cleaned for unrestricted use. We will continue to join with the City of Santa Clarita in insisting that DTSC and the property owner adopt this standard. It is equally important after the long time it has taken to get all responsible parties involved in the preparation of the remedial action plan, that we can begin actual clean up of a proportion of the site, that there be no undo delay in proceeding. While some members of our community have expressed the belief that a full environmental impact report (EIR) is

required, the CAG believes that DTSC has conducted a full and complete environmental assessment and that it is appropriate for them to proceed with adopting the remedial action plan without any need of a full environmental impact report. It is important for all of us to remember that CEQA still must be complied with and that we believe that DTSC has met its legal responsibilities and burden in preparing the remedial action plan. We are not convinced that any additional environmental information will be contained in an EIR and the resulting two (2) year delay in proceeding with implementing the remedial action plan and beginning the clean up the site would cause more environmental damage to our community and is unacceptable to us.

Signed by  
Glo Donnelly  
John Grannis, Attorney  
Duane Harte  
Ed Masterson  
Ted Rafalovich  
Val Thomas  
Jerry Walgamuth  
Rick Winsman  
Connie Worden-Roberts, Chairman, CAG

Response:

*DTSC acknowledges and appreciates your support.*

Comment from Lisa Hardy, Planning Manager, City of Santa Clarita, 23920 Valencia Blvd. Suite 300, Santa Clarita Ca 91355-2196

**Comment 26:**

The majority of the City's comments on the Draft Remedial Action Plan have been addressed through the Draft Remedial Design document. There are two areas of the Draft RAP that the City would like to comment upon – timeline and unexploded ordnance (UXO).

**Comment 26a:**

Timeline – The Draft RAP states that the estimated time to complete the remediation of OU1 is approximately 1 ½ years. This is assuming that the conditions at the site do not change materially (ie. more contamination is found). This timeline appears to be inconsistent with a recently released overall schedule by the DTSC which indicates that OU1 will be certified in December 2005. A clear timeline needs to be included in the RAP as well as in the Remedial Design.

Response:

*The OU schedule has been revised to indicate that certification of OU1 is expected to be issued by June 2006. DTSC will certify the implementation of the OU1 RAP. However, operations and maintenance activities may continue after RAP implementation.*

**Comment 26b:**

The issue of unexploded ordnance (UXO) is not discussed or mentioned in the Draft RAP. The recent discovery of 1,500 flare casings by the DTSC at the site is a reminder that UXO continues to be an issue for remediation at the site. The approach to addressing UXO must be included in the RAP.

**Response:**

*The draft RAP has been revised to incorporate a discussion of these measures.*

**Draft Remedial Design (RD)****Comment 26c:**

In the City's review of the documentation, it is unclear whether or not the clean-up will achieve the mandated "unrestricted use" standard for reuse of the property. It would be helpful if this standard were listed as a goal of the project in the Initial Study's list of goals and objectives. It would also be helpful if this standard was mentioned in the opening section of the Remedial Design document. This standard of clean-up is a driving force behind the decisions that will be made in the field and it should be clearly stated as a goal of all efforts on the site.

**Response:**

*The RD has been revised to incorporate a discussion of the cleanup goals and objectives. The remedial action objectives for contaminated media will be protective of adults and children in a residential exposure scenario.*

**Comment 26d:**

Time is of the essence with regard to this clean-up process. The Remedial Design document does not clearly outline the timeline for clean-up of OU1. This is of critical importance to the community. There should be a specific discussion of timing in the design document.

**Response:**

*The RD has been revised to include a precise timeline discussion for the cleanup of OU1.*

**General & Planning-Related Comments****Comment 26e.**

Please add a definitions page to the document to assist the public and those unfamiliar with environmental clean-up activities in understanding the document.

**Response:**

*A definitions page has been added to the RD.*

**Comment 26f:**

There appears to be some inconsistencies in the discussion of off-site material transport in both the Remedial Design and the Initial Study / Mitigated Negative Declaration. Although the Remedial Design defers the selection of a specific off-site transport mode and states that a detailed Transportation Plan will be prepared prior to any off-site hauling to a disposal facility, specific references are made to both truck haul and rail haul. The preferred Alternative 7 includes specific discussion of rail haul which would involve the construction of a rail spur along the northern edge of the Whittaker-Bermite property and extensive coordination with both the City and the applicable rail agencies. The City is concerned that the selection of rail haul may significantly delay the clean-up process given the time needed to plan, design and construct the rail infrastructure, as well as the rail system coordination that would need to occur with multiple agencies. Also, it is expected that the location of the rail spur and operations associated with the off-site material transport would occur in proximity to the Soledad Metrolink Station, the City's busiest commuter rail station. Any impacts to Metrolink operations and to the users of the commuter rail station must be thoroughly analyzed prior to DTSC's approval of an off-site transportation mode. As a permitting agency, the City requests to be consulted during the review and selection process.

For the final Remedial Design document, please eliminate any references to rail haul or truck haul as the preferred mode of off-site transport. Also, the Initial Study discusses the use of truck haul for off-site disposal, but does not mention the use of rail haul as indicated in the Remedial Design. In the Project Activities section of the Initial Study, off-site disposal via truck haul is mentioned in the Off-Site Disposal Contingency discussion. As part of the final Remedial Design, please correct these inconsistencies.

**Response:**

*The RD has been revised to eliminate any reference to off-site soil transportation by rail. In the event that on-site soil treatment can not adequately reduce contaminant levels to acceptable levels, some soils may be transported to an off-site facility for disposal. As indicated in the draft Mitigated Negative Declaration, the number of truckloads for off-site disposal will be limited to ten trucks per day.*

**Comment 26g:**

Since the release of the Remedial Design document, the DTSC has provided an overall clean-up schedule for Operable Units 1-7. This schedule indicates that OU1 will be "certified" by December 2005. Given the number of activities that need to be completed in the next 13 months, it appears that an inconsistency exists between the Remedial Design plan and the timeline. Please clarify this issue.

In addition, please explain what action is taken by the DTSC to "certify" a project site. Is it a letter, report or other form of documentation? Does this take the form of a No Further Action letter? The City continues to be unclear about the definition of "certification" and what actions are performed during the Operations & Maintenance period versus the action that is taken during the active remediation process. Once a site is

certified, does this mean that the clean-up goal of unrestricted use has been met? Would the site be safe to fully reuse once the site is certified? Please clarify.

Response:

*See Response to Comment 26a.*

### **Engineering-Related Comments**

#### **Comment 26 h:**

Page 2-2, Item 6, Please explain what is meant by ‘targeted grade’.

Response:

*“Targeted grade” was intended to describe the plan to backfill and restore the excavated areas back to the original grade and condition. This section has been revised to include appropriate clarifying language.*

#### **Comment 26i:**

Page 2-3, Section 2.1 Permitting and Planning: A permit from Los Angeles County Department of Water and Power is typically needed for any work within their easement, whether the work impacts the aqueduct pipe or not.

Response:

*This section has been revised to reference the applicable Los Angeles Department of Water and Power Permit.*

#### **Comment 26j:**

Page 2-27, Section 2.6 and Page 2-29, Section 2.7: The first paragraph of Section 2.6 indicates that the backfill will be compacted but not certified. This contradicts the fifth bulleted paragraph in Section 2.7 which indicates that the compaction testing report will be certified by a Geotechnical Engineer.

Response:

*The second sentence of Section 2.6 has been deleted.*

#### **Comment 26k:**

Page 2-27, Section 2.6.2. This section discusses ‘import fill’. Typically the word ‘import’ is used when soil material is being brought from a separate property to the project site. Is the intent to bring backfill material from a separate property, or was the use of the word ‘import’ to mean that backfill material would be taken from other areas of the project site?

Page 2-28, Section 2.6.2. The second bulleted paragraph discusses backfill material obtained from a commercial supplier of fill materials. Why would backfill material be obtained from a commercial supplier when the project site is approximately 1,000 acres from which backfill material could be obtained?

Response:



*These sections have been revised to make it clear that backfill will not be imported from outside the site boundaries.*

**Comment 26l:**

Please clarify where on the site the clean stockpiles of dirt will be held, how they will be managed, and where the contaminated stockpiles of dirt will be held.

**Response:**

*Contaminated soils will be stockpiled at the soil treatment facility in a dedicated pad area with capacity for approximately 50,000 yards. Some temporary stockpiling and staging will take place at the point of generation. Treated clean soils will be temporarily stockpiled near the soil treatment area and the areas targeted for backfilling. The plan is to return the treated soils from where they came from and to restore the area to the original grade. Clean overburden will be stockpiled/staged in the work areas at the most convenient/practical locations. As discussed in the RD, the earthmoving and stock piling will be conducted in accordance with pollution prevention plans that are subject to the approval of the Regional Water Board (erosion control under the SWPPP) and the SCAQMD (dust control under rule 403).*

**Comment 26m:**

Figures showing the extent of the excavations, the location of the California Aqueduct, and VOC impacted soils were not included in the Draft Remedial Design for OU1. These figures will be very important for interpretation of the text.

Figures 3, 4, 5, and 6 (cross sections of Area 55 and Area 26), and Sheet 2 (Excavation Plan for Area 55, Building 329 and Surrounding Drainages) are not included in the document. Cross-sections of Area 55 are provided in Appendix E of Knight-Piesold's Final Whittaker-Bermite Facility Feasibility Study (FS) for Operable Unit 1 (OU1), dated February 27, 2004, for a north-south and east-west line across Area 55, but contours are not provided. Design layout figures (8, 9, and 10) from the Knight Piesold FS provide a much better concept of the treatment systems. The final Remedial Design document should have similar figures.

Cross-sections of proposed excavations should be included in the document for visual reference

Sheets 1 through 5 of the Draft Remedial Design show the areas to be excavated, but do not show the areas impacted by HVOCs. Cross-sections or plan view figures of each of the impacted areas to be treated showing depth specific contours and the proposed well placements should be included in the document. The Responsible Party's consultants provided similar data in previous reports, specifically in the Remedial Investigation Reports for the various Operable Units. Figures 5, 6, and 7 in Knight-Piesold's Final Whittaker-Bermite Facility Feasibility Study for Operable Unit 1 (OU1), dated February 27, 2004, do have plan views of the plumes at each location. Cross-sections are provided in Appendix E of Knight-Piesold's Final Whittaker-Bermite Facility Feasibility Study for Operable Unit 1 (OU1), dated February 27, 2004, for a north-south and east-west line

across Area 55, but contours are not provided. At a minimum, figures that should be included from previous reports include Figure 15 from the Remedial Investigation Report for OU-1E, and Figures 4 and 13 from the Remedial Investigation Report for OU-1A, OU-1B, and OU-1C. These figures can be annotated to indicate the maximum concentration of chemicals of concern along with the depth at which the contamination occurred for each area

Response:

*All figures mentioned above have been reviewed and revised as requested. Figures with cross-sections of proposed excavations have been added to the RD.*

**Comment 26n:**

**Soil Vapor Extraction (SVE) Systems**

The document should provide specific information on the number of extraction wells to be installed, the placement of the wells, and the size of the proposed SVE treatments.

A timeline explaining the process and intent of the SVE treatment process is not provided in the document. Is the intent of the treatment to reduce the level of emissions from the excavation to below the South Coast Air Quality Management District's (SCAQMD's) Rule 1166 permit level, and not to the Risk Based Screening Levels (RBSL) proposed in the Remedial Design?

Since the SVE may be a limiting factor in the remediation of the Site, the document should provide a specific schedule with target timeframes for implementation of the SVE and the levels at which the Responsible Party is proposing that excavation may start.

Response:

*For those target areas where the contaminated soils contain both perchlorate and VOCs, an initial phase of SVE will be used to reduce VOCs to the Rule 1166 permit level and follow-up SVE will be used, if needed, once the treated soils are returned, based on confirmation sampling. For those areas that contain VOC contamination only, SVE will be used to reduce VOCs in soil gas to the risk-based cleanup levels. The current plan is to operate the SVE system until either no VOCs are detected in the extracted soil gas or asymptotic levels of reduction are reached. At this point, test excavations will be conducted to determine if the area is ready for excavation under Rule 1166 requirements. DTSC will keep the City and the Community apprised in the monthly CAG meetings on the SVE performance. A detailed schedule will be developed once the SVE is in operation.*

**Comment 26o:**

**Air Emissions**

The document contains a minimal discussion of South Coast Air Quality Management District permitting processes and requirements. Construction permits should have chemical-specific emission levels, not a total VOC level as a standard. If a total VOC level is used, then the mixture should be assumed to be the most toxic compound detected at the site. Will site-specific permits or a various use permit be obtained that would allow for treatment systems to be moved around the site?

Response:

*The SCAQMD has stringent emission control and monitoring requirements that will be covered under conditions set forth in the required permit. For vapor phase carbon treatment trains (typically two drums in series), monitoring involves a combination of field and lab testing. The field testing is for total VOCs and monitors/dictates the need for carbon change out. The lab testing is to demonstrate compliance and involves certified analysis for the specific VOCs of concern. In general, the first drum is replaced with the second drum when first-drum breakthrough occurs, a new second drum is added, and the first drum is shipped off for recycling. The plan is to design a mobile SVE system that can be moved from one location to another as the need arises.*

**Comment 26 p:**

**Risk-Based Screening Levels/Treatment of Soils**

The clean-up goals used in the document are unclear and may be confusing to the community. The document uses a RBSL of 500 ug/kg for most of the site and 40 ug/kg for areas where surface runoff may impact areas away from the site. Although these levels meet the risk-based goals, the community may view these as conflicting goals. This issue needs to be more fully explained in light of the overall standard of “unrestricted use” for the property.

Please explain why the DTSC did not choose to use the most current Johnson-Ettinger Model for the analysis of the RBSLs for HVOCs, specifically TCE and PCE.

The document does not state how many treatment cycles will be performed prior to shipping materials off-site to a disposal facility. This needs to be stated.

Response:

*The OUI draft RAP and draft RD documents have been revised to further clarify the cleanup goals. The RBSLs for HVOCs have been recalculated using the most current version of the Johnson-Ettinger Model and are included in the revised documents. The number of soil treatment cycles will vary depending on soil type and concentration of contaminant.*

**Comment 26q:**

**Volume of Impacted Soil**

Table 1 should be revised to show areas impacted by HVOCs, areas impacted by perchlorate, and areas impacted by perchlorate and HVOCs.

The estimated volume of soils is 174,000 cubic yards of contaminated soil, plus 425,000 cubic yards of clean soil (plus or minus 50%) or between 600,000 and 900,000 cubic yards of soil that will be moved on-site (Table 1). These numbers are not clearly referenced in the Remedial Design document.

Response:

*Table 1 figures and appropriate sections of text that reference that table in the Remedial Design have been revised.*

**Comment 26r:**

**Excavation**

References are made several times to “practical limits” of excavations. The text suggests that contamination left in place will be addressed by the site-wide remedial action. This language is vague and needs to be improved. The DTSC has indicated that a Site-Wide Feasibility Study and Remedial Action Plan are being prepared that will address contamination to be left in place. The boundaries of the Operable Units must be clearly defined before additional clean-up plans are developed. If contamination is left in place as part of the remedial strategy for Operable Unit 1, does that contamination now become part of Operable Unit 7, the groundwater operable unit? How will that contamination be treated? How is the goal of “unrestricted use” accomplished when contamination is left in place?

There is a disconnect between the sampling of excavations, analysis in the lab, and performing more excavation. Unless noted on the chain of custodies, the turn-around time for most analyses are one-to-two weeks following sampling. This could mean that excavations will remain open for at least one week before a decision is made regarding the need for further excavation. To save time and to reduce exposure of contaminated soils, the Responsible Party should make arrangements to have an expedited turn-around with traditional lab services, or invest in a mobile laboratory service.

Response:

*The scope of the OUI draft RAP soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for deeper soil and groundwater will be set forth in a series of Site-wide documents that are currently under preparation.*

*Arrangements will be made with laboratory services for an expedited turn around time for analytical services. Retaining the services of mobile laboratory services will be considered in future phases of the site cleanup. DTSC will ensure that excavations are promptly backfilled once limits of excavation have been reached or once confirmation sampling analytical results have been evaluated. The RD has been revised to reflect this.*

**Comment 26s:**

**CEQA-Related Comments**

Project Goals. The list of goals does not mention achieving the “unrestricted use standard” that is included in the DTSC Unilateral Order. How is “cost” a goal? Is the goal to control costs? If so, how is this balanced with the need to clean and restore the property to productive use? From a public policy and public health perspective, the

Responsible Party should pay the cost for clean-up that is protective of public health, even if it is very expensive.

Response:

*Goals developed for the scope of the draft OUI RAP are suitable for unrestricted land use. However, areas with deeper contamination will be addressed in the Site-wide documents.*

**Comment 26t:**

The Initial Study / Mitigated Negative Declaration does not contain an analysis of the impact to the environment of moving the 425,000 cubic yards of clean soil (plus or minus 50%). The analysis is limited only to the movement of the contaminated 174,000 cubic yards. Please note that a CEQA analysis will need to be completed for this volume of soil prior to City issuance of a grading permit. The City requests that the DTSC revise the Initial Study / Mitigated Negative Declaration and re-circulate it prior to final approval of the Remedial Design.

Response:

*The draft Mitigated Negative Declaration already includes an analysis of the impacts to the environment of moving/handling 425,000 cubic yards of soil (plus or minus 50%). However, it should be noted that the excavation will be conducted in phases over an 18-month period so all soil will not be moved at one time. An appendix that has tables summarizing emission estimates for construction activities and operations has been added to the Remedial Design. These tables will demonstrate that the expected emission levels are well below SCAQMD thresholds.*

*In preparing grading plans for City of Santa Clarita approval, Whittaker contractors have consulted with City of Santa Clarita engineers to discuss requirements. With the exception of the soil treatment pad, the scope of this project does not involve construction of permanent or temporary structures on the areas targeted for excavation and subsequent backfilling. A map detailing location and final extent of excavated areas will be submitted by Whittaker upon completion of the project.*

**Comment 26s:**

As previously mentioned, the Initial Study contains a discussion of truck haul for off-site disposal, but does not mention the use of rail haul as indicated in the Remedial Design. In the Project Activities section of the Initial Study, off-site disposal via truck haul is mentioned in the Off-Site Disposal Contingency discussion. It is unclear whether a transportation mode is being selected at this time, or if this decision will be deferred and determined through Transportation Plan to be prepared separately? Please clarify and modify the Initial Study accordingly.

Response:

*The draft OUI RD document was revised to indicate that hauling soil off-site is a fall-back option. It will be restricted to trucking and will be limited to a maximum of*

*ten loads per day. The rail option will be given further consideration in the site-wide soil FS/RAP documents. A traffic management plan will be prepared for the purpose of complying with any local traffic management issues.*

Comments from Phillip B. Chandler, 2615 Marquette Dr., Topanga, CA 90290

*The comments submitted by Phillip B. Chandler in the October 4, 2004 to November 17, 2004 public comment period were identical to the comments submitted during the first comment period, with exception of the following:*

**Comment 27:**

The Department of Toxic Substances Control (DTSC) has again extended the public comment period for these documents in a deceptive fashion. Although I submitted comments on the first version of these documents in July, I was apparently not added to the mailing list of interested parties and consequently received no notification from DTSC of the public notice for the October 1 draft Remedial design nor the change to a Mitigated Negative Declaration. The foregoing would appear to be an attempt to limit public comment on this Aproject@ In addition, the full document being noticed should be provided on-line to allow broader participation.

I ask that DTSC again reopen the public comment period, provide adequate notice to all who commented the first time, assure that the full Remedial Action Plan (RAP) and the associated CEQA documents electronically on the web site so that the public/reader from parts of California could actually see the entire documents without having to travel to Glendale or Santa Clarita. I am of course presuming that the Site Mitigation Program (SMP) honors DTSC's so-called mandatory mailing list which contains environmental groups from diverse locations throughout the state.

**Response:**

*See response to Comment 17a.*

**Comment 27a:**

I am again submitting the following brief comments for your consideration. In particular, the SMP Apolicy@of using the AOU@concept to undercut existing regulations regarding Applicable or Relevant and Appropriate Requirements (ARARs), for example, which in doing so would appear to be an underground regulation. Specifically, I am referring to the business of doing a remedial action, which selects site-wide Arisk-based cleanup@goals on shallow soils, deferring inter-related consideration deeper soils contamination and ground water to other OU's to be determined (TBD). **Moreover, DTSC has revised its negative declaration to include a few mitigations, for a portion of a large site-----claiming a final remedial action but restricting it a portion of one environmental medium.** This is a clear-cut example of Aproject splitting@violation of the letter and spirit of the California Environmental Quality Act. This longstanding TBD/CEQA project splitting business of the SMP is inappropriate and certainly lessens protection of the environment and may in some situations act to adversely affect human health.

Response:

*See response to Comment 17b.*

*The following are comments on the draft Mitigated Negative Declaration and draft OUIRAP1.*

**Comment 27b:**

PROJECT DESCRIPTION - P.1, &4 - There is no explanation for Applicable level of detection@

Response:

*The RD was revised to reference the limit of detection for perchlorate in soils which is currently 20 to 40 ug/l depending on soil characteristics and constituents.*

**Comment 27c:**

P.1, &6 - What is the project? Is stock piling, if so how much? Is it immediate use as fill, if so where and how much? Completely different impacts may result depending on how and where incompletely cleaned material is utilized----simply stating that the total excavated material may be 174,000 yd<sup>3</sup> is not sufficient. Note, the clean-up goals selected may be demonstrated to human-health based risk criteria, but DTSC has failed to demonstrate that the levels are protective of the ecosystem or of the ground and surface waters of the area. DTSC has not even established what the ecosystem consists of----instead promising this to come later after approval of the project. Talk about Abuying a pig in a poke@ The treatment area is defined but not the fill disposal areas----these are Avarious locations within the site boundaries@--which may include areas outside OU-1 and areas which may allow run-off into streams or infiltration into ground water, or may impact other biota. There is no assessment of the potential impact of materials cleaned to the human-risk numbers on the biota. What the heck, DTSC has failed to even evaluate the biota within OU-1, much less throughout the rest of the site. The project description is inadequate for assessment of impacts in the Mitigated Negative Declaration. Moreover, a Mitigated Negative Declaration is insufficient to begin with. I ask DTSC to meet its obligations as lead agency and prepare an Environmental Impact Report (EIR) that fully addresses the site.

Response:

*The project description is provided throughout Section 1. Additional information was added to the OUI RD to further clarify total amount of soils to be handled and where soils are to be stockpiled. In approving the baseline risk assessment work as summarized in the OUIFS documents, DTSC has determined that the proposed cleanup goals are sufficiently protective of human and ecological receptors and surface water quality. The draft OUI RAP is an integral part of a comprehensive Site cleanup strategy being developed under DTSC oversight with the overall goal of promptly and effectively mitigating identified risks to human and ecological receptors on the basis of the National Contingency Plan. The primary purpose of the draft OUI RAP is to ensure that the remediation of known source areas is commenced on a timely basis. The scope of the*

*OUI soil remediation work is restricted to shallow soils that can be removed by excavation. More global remedial strategies for soil and groundwater will be set forth in a series of Site-wide documents that are currently under preparation. Excavation and remediation of the targeted areas of impacted soil (including the placement of fill) will be conducted over an 18-month period. Compliance with applicable state and local laws and regulations covering air and water pollution, noise pollution, worker protection and land-use management and be protective of human and ecological receptors.*

*The OUI RAP calls for treating perchlorate-impacted soils to below detection levels to allow for unrestricted use as fill. The OUI RAP calls for treating HVOC-impacted soils to the most stringent risk-based cleanup goals to allow for unrestricted use as fill. The current plan is to return the treated soils to the areas from where they came from. Please also see response to Comment 24.*

**Comment 27d:**

**MITIGATION MEASURES**

**Air Quality**

P.4, &1 - Compliance with South Coast Air Quality Management District Rules 403 and 1166 does not necessarily mean that fugitive dust will be limited with respect to adsorbed contaminants, either with respect to immediate emissions, re-suspension from dispersal through the OU, or to emissions from subsequent grading of the so-called clean fill after meeting the DTSC clean-up goals. Continuous emissions monitoring is indicated but no details are provided as to protocols. If monitoring occurs at 5 meters above the surface --as many of SCAQMD monitoring programs specify---or as low as 2-meters----which is SCAQMD's lowest monitoring, the transport of the bulk of fugitive particulate mass----together with its contaminant load---will be missed. The bulk of particulate mass transport occurs in the bottom meter or so. It is suggested that DTSC invest in some articles on aeolian transport from any of a number of geological journals before trying to sell standard SCAQMD monitoring requirements as mitigation monitoring for excavation of contaminated material.

**Response:**

*Rule 1166 states that measurements for VOC emissions are to be collected at a distance of 4 inches from the surface of excavated soil. This specification will be followed during excavation and soil handling activities. The remediation will be conducted in compliance with SCAQMD Rules 403 and 1166 including monitoring requirements for dust and VOCs.*

**Comment 27e:**

P.4, &4 - The idea that the mitigation depends on Anticipation@by DTSC is not comforting and hardly qualifies as a mitigation. It might also be useful to explain what vapor-phase activated carbon is. Activated carbon is used as granules, etc. --it is not vaporized.

The term “vapor-phase activated carbon” refers to carbon that is designed to treat



compounds that are in a vapor state at the time of treatment.

Response:

*The term “vapor-phase” has been removed from text in the revised draft Mitigated Negative Declaration.*

**Comment 27f:**

P.4, &4 - DTSC is well aware----at least in some circles----of the potential for radon to be collected in the canisters. No consideration is described----much less a mitigation proposed---of this possibility. Articles are available in the literature and some DTSC staff have even made measurements at DTSC-lead sites which demonstrates such accumulation in canisters. It would be re-assuring to know that DTSC had examined the potential for radon in the geological materials on-site and had included radiation monitoring with respect to the canisters and outlet gases.

Response:

*The OUI remedial investigation and baseline risk assessment did not identify radon as a contaminant of concern for the Site. Handling of spent canisters will be in accordance with applicable waste management laws and regulations.*

**Comment 27g**

P.4, &4 - The air quality mitigation is not satisfactory. An EIR remains necessary.

Response:

*See responses to Comment 24.*

**Comment 27h:**

**Biological Resources**

P.4 to 5, - How nice, the mitigation measure proposed herein in these &s is the very thing that DTSC should have done before approving the project in the first place. How wonderful, a failure is turned into a gift---but only after approval. The biological work for this project should be done first, and eco-risk performed and all of the impacts evaluated in an EIR. Any place on the entire site that is to receive fill that contains contaminants which the so-called clean criteria for human health, needs to be included with respect to surface and ground water impacts and impacts to biota. These proposed mitigations are clearly insufficient and merely serve to point up how little actual environmental data collection and analysis has gone into the proposed decision by DTSC. The data and information necessary to propose mitigations must be collected ahead of the project approval---not afterward. The actual mitigation description and design of the monitoring program clearly require this. DTSC flatly admits that as of the time of this proposed project that it doesn't know if protected native birds occupy the habitat to be removed. This should have been determined before this project was ever public noticed. Such surveys are properly a part of an EIR.

P.4 to 5 - The biological mitigation is not satisfactory. An EIR remains necessary.

Response:

*Although the areas and drainages targeted for excavation have been historically disturbed, a qualified biologist will be onsite to conduct and document surveys and to ensure that every precaution is taken to avoid any impacts to wildlife resources. Several Site-wide ecological assessments have been conducted during the course of remedial investigation and baseline risk assessment work. The results of these investigations are summarized in Section 3.10 of the OUI FS. In addition, the following documents are appended to the February 2000 OUIABC "Site Investigation/Preliminary Endangerment Assessment Report": (1) Lilburn, Corp, "Biota Report, Proposed Whittaker/Bermite Development," May 1990; and (2) Section 6.4 of the Impact Sciences "Draft Environmental Impact Report Porta Bella Specific Plan" September 27, 1993 including the results of an ecological survey update conducted by Impact Sciences.*

**Comment 27i:**

Ground and Surface water

No page/no mitigation - DTSC neglects that by its approving the unrestricted use of excavated materials as fill which may have---by DTSC Risk-based Screening Level (p.3 of 42)---as much as 379 ppm of 1,1-dichloroethene (1,1-CE), DTSC threatens ground and surface water in violation of Porter Cologne. It is also noted that DTSC neglects that 1,1-DCE can break down---reductive dehalogenation, etc.---into other compounds for which DTSC has set no limits and no restrictions. The impacts of continued breakdown in fill comprised of Remediated materials, needs to be addressed as an impact. The concentrations that DTSC proposes as risk-based for human health are not demonstrated to protect biota at any fill locations nor are protective of surface and ground water. There are a number of physical situations where soil with 379 ppm of 1,1-DCE could easily increase water concentrations above an MCL of 5 or 6 ppb. There are no mitigations to prevent such situations from occurring

P.3, &1 - the screening levels are unsatisfactory for protection of surface and ground water.

Response:

*See response to Comments 27c.*

**Comment 27j:**

P.6, &2 - The transportation plan should be part of the project, not another promissory note. The transport of contaminated material through the community is major potential impact.

Response:

*The draft OUI RAP and draft RD identify on-site soil and wastewater treatment and reuse as the preferred remedial strategy for remediating impacted soils. In the event that on-site treatment can not adequately reduce contaminant levels to acceptable levels, some soils may be transported to an off-site facility for disposal. Based on SCAQMD vehicle emissions limitations, the number of truckloads for off-site disposal will be*

*limited to ten trucks per day. A traffic management plan will be prepared for the purpose of complying with any local traffic management issues.*

**Comment 27k:**

**AIR QUALITY**

P.9, &7 - See comments on mitigations. The use of SCAQMD requirements as a mitigation is a sham. What is DTSC itself doing in a practical measurable way to reduce the impacts? Not even a simple monitoring design is proposed. Where is the eco-risk assessment which should contain an evaluation of air pathways for critters? There are still unmitigated and un-evaluated impacts from contaminant bearing particulates.

**Response:**

*See response to Comment 27c.*

**Comment 27l:**

**BIOLOGICAL RESOURCES**

P.13, &5 - There is no evaluation of erosion and re-deposition or leaching of fill with residual contaminants. No eco-risk has been prepared. An EIR is needed to evaluate the potential impacts from all aspects of this Remedial Action ---inclusive of the re-use of still-contaminated soil and its ability to pollute the surface and ground water and impact biota. DTSC does not even include maps of where such fill would be placed.

P.14, &6 - Where are the protocols for the site-specific survey to support this conclusion? How much effort was placed into determining if the least Bell's vireo was present? Have any local Audubon groups been contacted about historical observations?

P.14, &8 - Habitat suitability should already have been determined as part of this Initial Study. Since it hasn't, do it as part of an EIR.

P.15, &6 - If fill which still has associated contamination is placed adjacent to a riparian habitat, significant impacts could occur. The placement of fill is not described but is clearly a part of this project and needs to be evaluated in an EIR.

P.16, &4 - Aquatic habits could be significantly impacted under the proposed project if fill from the project is placed adjacent to riparian areas. There is no project assurance that this won't occur.

**Response:**

*In addition to the response to Comment 27c, to ensure that potential impacts to aquatic habitats are adequately mitigated, a qualified biologist will be onsite to ensure that every precaution is taken to avoid any impacts to wildlife resources. Department of Fish and Game 1603 permits will be obtained as required.*

**Comment 27m:**

**GEOLOGY AND SOILS**

P.19, &3 - Fault rupture is not necessarily breakage of ground overlying a fault. Faults

are typically planar features---rupture surfaces that originate at depth and sometimes propagate all the way to the surface. Surface rupture occurs within the fault zone at the surface. However, it is rupture on an area of the fault plane at depth that in fact gives rise to the earthquake. Some faults rupture at depth creating earthquakes---- without any surface expression at all.

P.19, &3 - The Whittaker Bermite project area needs to be properly mapped to evaluate the risk of surface rupture from faults. There is no mention of the literature associated with the area or the San Gabriel fault faults nor evaluation of the impact of shaking from thrust faults which may also underlie the site. This description is not satisfactory. The risk of upset due to shaking needs to be given serious consideration and perhaps specific mitigations proposed. DTSC indicates that the site lies in a Special Study Zone and then fails to substantiate why there is less than significant risk. At least some attempt at evaluation seems warranted. Not even a map is included which shows relative locations. No evaluation of acceleration, velocity or displacement---even historical references--- is mentioned. Nothing about recurrence intervals, etc.

Response:

*Geologic maps contained in the OUI RI Report illustrate the existing faults within Site.*

**Comment 27n:**

**HYDROLOGY AND WATER QUALITY**

P.25, &3- see the comments on mitigation. DTSC is simply trying to hide behind a non-existent NPDES Permit to avoid evaluating impacts associated with the proposed project relative to the so-called clean-up numbers proposed. Infiltration of fill with residual contaminants could in fact be a significant impact. An EIR is necessary which addresses the entire site and does not allow shuffling of contamination out of an OU to be ignored.

I would again urge DTSC to set aside its attempts at project splitting, continued ignoring of eco-risk, poorly considered sham mitigations, and have the project proponent prepare an EIR which will satisfy the underlying requirements of CEQA. Incomplete or piecemeal noticing of projects, and Aunder-analysis@of impacts, to avoid an EIR is unreasonable and inconsistent with DTSC's goals of protecting human health and the environment.

Response:

*See response to Comment 27c*